

1           A public hearing of the Jefferson Proving Ground  
2       Restoration Advisory Board meeting was held at the Jennings  
3       County Public Library, North Vernon, IN at 7:00 P.M. on  
4       November 14, 2001.

5

6                   **OPENING STATEMENTS BY MR. PAUL CLOUD:**

7                   Okay. Good evening. I would like to  
8       welcome everyone here to the Jefferson Proving Ground  
9       Restoration Advisory Board meeting. My name is Paul Cloud.

10          I think everyone here knows me. I work for the United  
11       States Army. I'm the BRAC Environmental Coordinator.  
12       Richard Hill is the community co-chair and I'd like to  
13       welcome everyone here. Please be sure you sign in on our  
14       mailing list. I'll make sure you're added if you're new to  
15       the mailing list and keep you informed of developments and  
16       issues and information to the Proving Ground as it becomes  
17       available. And we have a copy of the slide presentation  
18       tonight also so please avail yourself of that. I have no  
19       further opening remarks. Richard?

20

21                   **MR. RICHARD HILL:**

22                   I have just a couple of things. One (1) is

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24

1 a very minor correction to the minutes from the last  
2 meeting. And I know it's because I mumbled and it's not the  
3 Reporter's fault and it's not - well I guess it's real minor  
4 but in one (1) of my statements I was referring to one (1)  
5 of the Jefferson County Commissioners that was there, Julie  
6 Berry, and I was quoted as saying ah one (1) of our  
7 commissioners is here but I don't know her name. I do know  
8 her name. I just wanted to clear that up. I think I said  
9 something like - I was asking a question about the status of  
10 ah zoning and - in the cantonment area. And I said  
11 something about not knowing exactly where that was. But I'm  
12 - I was mumbling. I do that sometimes. So just want to  
13 clear that up. And I just want to emphasize what Paul said  
14 about signing in and welcome everybody here tonight. And  
15 it's my birthday today.

16

17 **AUDIENCE MEMBERS:**

18 Happy birthday.

19

20 **MR. PAUL CLOUD:**

21 Well there's four (4) of us. Richard you  
22 are one (1) of four (4). Kevin Herron from Indiana

23

24

1 Department of Environmental Management's birthday is this  
2 month; Sharon Shields, our Court Reporter is this month and  
3 my birthday is Saturday.

4

5 **MR. RICHARD HILL:**

6 Well I knew Sharon's was this month and  
7 that's probably why I brought it up. It reminded me of that  
8 because I try to forget about it myself. Thank you.

9

10 **MR. PAUL CLOUD:**

11

12 Okay without further ado we'll start.  
13 Here's our agenda for tonight. And as usual this particular  
14 laptop has a finer resolution than the projector so some of  
15 the bottom material tends to be cut off but it's clearly put  
16 on your slide. So if you see something I'm referring to  
17 that you don't see up on the screen just look on your slides  
18 because the very bottom of it gets cut off. I'm still  
19 trying to figure out how to do that. But all the material  
20 is there. Here's basically our agenda. We've gone through  
21 the welcome/introduction. We'll talk about the UXO  
22 clearance on the Western Parcel, where we stand on that. Ah

23

24

1 we have discussion on the Airfield clean up. Brooks Evens  
2 from the Louisville Corps of Engineers environmental office  
3 is here this evening. There are a number of slides that he  
4 has provided and we'll discuss some of the efforts that were  
5 done there. Then we have a section on property transfers  
6 and Findings of Suitability to Transfer. We'll talk about  
7 that for a little bit. The last planned item on the agenda  
8 is the Depleted Uranium License Termination status and our  
9 points of contact. Ah the two (2) things that you may not  
10 see there but are on your slides are the open discussion and  
11 the closing remarks. So without further ado let's move on  
12 to the Unexploded Ordnance Clearance on the Western Parcel.

13 (Indicating) This is the parcel in question here. It's on  
14 the western side of the Proving Ground south of the firing  
15 line approximately three hundred (300) acres. We have in  
16 fact had the contractor, ATI, on the Proving Ground for the  
17 last several weeks and they've been going through a number  
18 of these preliminary steps before they actually started  
19 intrusive work for the clearance. This is an updated  
20 schedule. I know that was one (1) of the issues that came  
21 up in the RAB meeting in August and it's accurate to the  
22 best of my knowledge. Ah so right now the contractor is in

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1 fact continuing to do vegetation clearing and geophysical  
2 surveying and target acquisition. Right now they will  
3 continue that until they are provided with the Notice to  
4 Proceed for the actual Remediation Clearance. We expect  
5 that to happen within the next two (2) to three (3) weeks  
6 but clearly on or before the third of December which is when  
7 it's scheduled in our calendar there. If you have any  
8 questions as we go through any of these slides you can  
9 either ask them as we're going through them or you can hold  
10 them to the end during the open discussion, whatever you  
11 feel more comfortable with. And we'll try and respond as  
12 best we can. And if we need to get back to you with any  
13 information we will do that also.

14

15 **MS. DIANE HENSHEL:**

16 Paul?

17

18 **MR. PAUL CLOUD:**

19 Yes?

20

21 **MS. DIANE HENSHEL:**

22 I'm probably the only one (1) that's going

23

24

1 to ask this question because I think everybody else here  
2 probably knows. What is the difference between target  
3 reacquisition and remediation?  
4

5 **MR. PAUL CLOUD:**

6 Okay. What was done was the contractor came  
7 out and we, through the Huntsville Corps of Engineers, put  
8 some test items, some inert test items out in this area  
9 (indicating).  
10  
11

12 **MS. DIANE HENSHEL:**

13 Okay.  
14

15 **MR. PAUL CLOUD:**

16 To verify - it was basically a test for the  
17 contractors to go see if they could reacquire those and use  
18 the differential GPS system for the accurate identification  
19 of the specific spot on the ground where they are. That's  
20 what that exer --  
21

22 **MS. DIANE HENSHEL:**  
23  
24

1                               And are these your targets?

2

3                   **MR. PAUL CLOUD:**

4                               These are tar - when we say target it's a -  
5                   it's a target for them to go find. It's not a ammunition  
6                   target and it's not live munitions.

7

8                   **MS. DIANE HENSHEL:**

9                               Right.

10

11                   **MR. PAUL CLOUD:**

12                               It's a target for them to find. Does that  
13                   explain that?

14                   **MS. DIANE HENSHEL:**

15                               So Remediation is the actual UXO?

16

17                   **MR. PAUL CLOUD:**

18                               I beg your pardon?

19

20                   **MS. DIANE HENSHEL:**

21                               Remediation then would be the actual  
22                   starting to clearance?

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**MR. PAUL CLOUD:**

Yes ma'am. That's the actual clearance of  
the - of the area.

**MS. DIANE HENSHEL:**

Thank you.

**MR. PAUL CLOUD:**

Any other questions? We expect, as this  
schedule shows that ah by the time the actual field work is  
done, the Draft Report, the Final Report are provided and  
reviewed, the Statement of Clearance - it's a little better  
shown on your slide there because of the way this gets cut  
off - we expect by July of next year to have the Final  
Statement of Clearance. And that would basically tell the  
Army if there are any excavation restrictions specific to  
Unexploded Ordnance for this parcel. And it will basically  
come down to the types and the number of things that are  
found and at what depths they're found whether or not we  
believe it's reasonably relatively safe to either transfer



1 the property to whoever might be the future owner with an  
2 excavation restriction or no excavation restriction. As I'm  
3 sure you're aware there are differences in certain parcels  
4 on the Proving Ground south of the firing line where part of  
5 the parcel that Mr. Ford now owns south of the housing has a  
6 four (4) foot excavation restriction for Unexploded  
7 Ordnance. However, the FOST that is currently out for the  
8 Airfield has no excavation restriction for Unexploded  
9 Ordnance but again it's specific to the area, what was  
10 found, at what depths they were found, and the types of  
11 ordnance that were found. We don't expect to find anything  
12 in this area because it's - again it's on the buffer, it's  
13 completely forested, there were no infrastructure or  
14 development in this area. If we find anything it's probably  
15 going to be on the surface or very near the surface. But we  
16 will wait and see what actually comes about after the  
17 completion of the clearance and what the report says and  
18 what is recommended and then the Army will make the final  
19 decision as far as if there is an excavation restriction or  
20 not. Ken?

21

22 **MR. KEN KNOUF:**

23

24

1                   When do you anticipate doing the wetlands  
2 delineation in those woods?

3

4                   **MR. PAUL CLOUD:**

5                   I would like to do it as soon as possible.  
6 One (1) of the - I was discussing that with Brooks earlier  
7 today. It will be - it will occur no sooner than - than  
8 until after the completion of the field work for the  
9 clearance of the UXO. I will discuss that with Huntsville  
10 to see whether or not they're comfortable with having the  
11 Corps do that and Fish and Wildlife Service go out and look  
12 for endangered species before we get the Final Report and  
13 the Statement of Clearance but after the field work is done  
14 or they would prefer us to wait until we're completely done.

15       That will be something I'm discussing but it won't occur  
16 until I would assume no sooner than March or April of next  
17 year at the earliest. And we may want to wait until the  
18 summer anyway just for other reasons because it might be  
19 drier for the endangered species survey and it might be a  
20 little easier to make a determination on wetlands  
21 delineation in the summer vice the spring. Those are all  
22 factors that we will consider. But no sooner than probably

23

24

1 March or April of next year. Kevin?

2

3 **MR. KEVIN HERRON:**

4 Ah how will the clearance of the under brush  
5 affect the delineation or identification of what might be  
6 there as far as the type of plant life or that would be  
7 considered to be natural to that type of environment?

8

9 **MR. PAUL CLOUD:**

10 Brooks?

11

12 **MR. BROOKS EVENS:**

13 That slide - if you look on the schedule  
14 you're probably look around the point - look at Block  
15 Twenty-three (23). They're doing the wetlands delineation,  
16 supposed to be doing it during the growing season in the  
17 spring and they have cut down a lot of the under brush.  
18 That's probably going to have two (2) fold. That's probably  
19 going to help us a little bit to be able to get around a lot  
20 better and hopefully during this growing period some of  
21 those trees will produce an off chute so we can get those  
22 trees identified. Ah most of the under brush is pretty

23

24

1 consistent there so areas that we don't brush we'll probably  
2 try to correlate back to their similar life. So the best  
3 period - I was just talking to Leslie Bussie that April 23rd  
4 through May 14th will probably be a very good period for us  
5 to be out there. We'll have to get clearance from - from  
6 Huntsville to go out there and be competent that the QA and  
7 QC data that he said he ah had found everything that was  
8 supposed to be out there. So it's going to be two (2) fold.  
9 It might hinder us some but hopefully they'll under cut all  
10 that area and that probably will help us in giving us better  
11 access and mobility through the whole property. We'll be  
12 able to cover a lot more property through there.

13

14 **MS. DIANE HENSHEL:**

15 Ah when you do wetlands delineation don't  
16 you examine the soil and look at the different colors of the  
17 soils etc.?

18

19 **MR. BROOKS EVENS:**

20 Hydric soil?

21

22 **MS. DIANE HENSHEL:**

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1                   Yeah. How - how does the contamination  
2           that's sort of ubiquitous across the site affect the color  
3           of the soil and therefore would affect the way you would use  
4           the grounds?

5

6                   **MR. BROOKS EVENS:**

7                   None.

8

9                   **MS. DIANE HENSHEL:**

10                  What?

11

12                  **MR. BROOKS EVENS:**

13                  There's no evidence that there's any  
14           contamination over in there.

15

16                  **MS. DIANE HENSHEL:**

17                  In that area?

18

19                  **MR. BROOKS EVENS:**

20                  In the western. There was one (1) site  
21           identified a long time ago as a potential ammo dump right  
22           along Tokyo Road which is on the eastern half of that

23

24

1       portion of the property.  Environmentally we never found  
2       anything environmentally there and from just the preliminary  
3       data it doesn't look like they're finding a whole lot of  
4       munitions in there either.

5               **MS. DIANE HENSHEL:**

6                       So you don't think there'll be any affect on  
7       color?

8

9               **MR. BROOKS EVENS:**

10                      No.  All the - we just went through and  
11       Kevin can help me out here - we just went through how many  
12       soil borings?  Ah fifty-three (53) in UXO residual area and  
13       it was done on the ground water, monitoring the wells in the  
14       split spoons and watching the cuttings come up.  The four  
15       (4) feet, up to four (4) feet all over JPG is the motted  
16       gray-brown, mostly it's gray fat clay.  So that's why we  
17       don't get any infiltration down from the top we've got such  
18       a plastitic type clay there.  It's a type of soil, top soil  
19       all across there except on the -- it's a top soil that's  
20       listed out there as hydric.

21

22               **MS. DIANE HENSHEL:**

23

24

1                   I thought when I looked through the soils on  
2   the base that there were three (3) different soils across  
3   the base.

4

5           **MR. BROOKS EVENS:**

6                   There's Crider.

7           **MS. DIANE HENSHEL:**

8                   I realize it's not here. I realize there's  
9   only one (1) right here.

10

11          **MR. BROOKS EVENS:**

12                   There's Crider. We've got the Crider.

13

14          **MS. DIANE HENSHEL:**

15                   Yeah.

16

17          **MR. BROOKS EVENS:**

18                   That's on the slopes of most of the streams,  
19   that's shallow. And then you've got - I think you've got  
20   Cobbsfork and Crider and I think it's Avonburg.

21

22          **MR. PAUL CLOUD:**

23

24

1 Avonburg.

2

3 **MR. BROOKS EVENS:**

4 Avonburg. And that's on the upper end up  
5 around where the ah people containment, the cantonment, the  
6 buildings were. When you get out to the site is where you  
7 get into the ah top soils. That's on the southeast portion.

8

9 **MR. PAUL CLOUD:**

10 Did that answer your question Diane?

11

12 **MS. DIANE HENSHEL:**

13 The last part was just interesting but the  
14 first part answered my question.

15

16 **MR. PAUL CLOUD:**

17 Any other questions regarding the UXO  
18 Clearance on the three hundred (300) acre parcel? Okay.  
19 Brooks will now give his slides.

20

21 **MR. BROOKS EVENS:**

22 Most of you all know me. I'm Brooks Evens.

23

24



1       For the people that don't I'm the Project Geologist for the  
2       Army Corps of Engineers and I've been working on JPG for the  
3       last five (5) years, six (6) years, doing environmental  
4       work. Ah and what I'm going to present tonight is some of  
5       the environmental work we did at the Airport getting it  
6       suitable for us to transfer to Mr. Ford. Ah you can't see  
7       at the bottom but we did four (4) things basically. We had  
8       two (2) RI sites which were sites five (5) and six (6) and  
9       they were located on the Airport runway. And that's where  
10      they did ah burning of pallets and so forth out there and  
11      they stockpiled a lot of - a lot of debris right there. Ah  
12      we did an RI, Phase One (1), Phase Two (2) on it and what we  
13      came up to was to create a Decision Document because we  
14      found that there was no risk and we just - no risk to the  
15      site so we weren't going to have to do any RI. Site  
16      Thirteen (13) was a removal action. It was a fire training  
17      pit. And the contamination was well defined. It was  
18      setting in that nice fat clay so it didn't migrate very far.  
19      There was no ground water contamination associated with it  
20      so to further the property transfer and make it a whole  
21      parcel we decided to go ahead and remove this small site  
22      (indicating). Then as with most bases we have UST's

1 associated with buildings all over. Yes?

2

3 **MR. RICHARD HILL:**

4 On the excavation ah how deep did you  
5 excavate?

6

7 **MR. BROOKS EVENS:**

8 It's about four (4) feet.

9

10 **MR. RICHARD HILL:**

11 Four (4) feet?

12

13 **MR. BROOKS EVENS:**

14 Four (4) to five (5) feet.

15

16 **MR. RICHARD HILL:**

17 Four (4) to five (5) feet?

18

19 **MR. BROOKS EVENS:**

20 Yeah.

21

22 **MS. DIANE HENSHEL:**

23

24

1 Well which is it?

2

3 **MR. BROOKS EVENS:**

4 Huh?

5

6 **MS. DIANE HENSHEL:**

7 Which is it?

8

9 **MR. BROOKS EVENS:**

10 Four and a half (4½) to five (5) feet. Four  
11 (4) here, five (5) here it was until we figured that we had  
12 gotten the contamination clean based on the previous soil  
13 borings. And it's - we didn't actually take a tape measure  
14 and measure from the point to the top of the ground. It was  
15 general excavation, general four (4) to five (5) feet.

16

17 **MS. DIANE HENSHEL:**

18 You didn't try going below it?

19

20 **MR. BROOKS EVENS:**

21 We got clean closure on samples from there.  
22 From the - the confirmatory samples were clean.

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**MS. DIANE HENSHEL:**

Okay.

**MR. BROOKS EVENS:**

For the UST ah we had one (1) building that had a - a fuel tank and then we had the Airport fuel system. Then I'll talk more about the UST. And then we did some - at the bottom of this you'll see that we did some residual soil sampling of UXOs that were detonated in place during the UXO Removal Action. Okay, Building 310, tanks and pipings were removed. Contaminated soil was removed and confirmation samples were obtained in accordance with IDEM's regulations. On the Airport vaults and piping and delivery systems, they were either removed or investigated using soil borings. Vaults were removed and the soil contamination was removed. Both these sites achieved IDEM clean-up goals and No Further Action Letters were issued by the regulators. Site Thirteen (13) is the Fire Training Pit. The Army conducted an Interim Removal Action during the summer of

1        2000. The clean-up goals were EPA Region 9 Residential  
2        Screening Levels. Ah based on the previous RI samples data  
3        ah confirmation samples were analyzed for TAL metals, semi-  
4        volatile organic compounds and volatile organic compounds.  
5        A total of ten (10) samples were obtained from the  
6        excavation. And based on laboratory data we received  
7        concurrence from IDEM and EPA that there was No Further  
8        Action warranted at Site Thirteen (13). Ah Sites Five (5)  
9        and Six (6), both sites were located on the Airport runways.  
10       Ah previous RI data indicated contaminated. Contamination  
11       presented no risk for industrial use. Ah we've actually  
12       issued two (2) Decision Documents on these two (2) sites.  
13       The first one (1) was for industrial use. Ah at the request  
14       of the future land owner he requested that the property be  
15       made available for residential use. Ah the Army agreed to  
16       do a new Decision Document and judge everything - base  
17       everything on residential. Ah so additional risk  
18       calculations were incorporated into the Revised Document.  
19       Upon review by the EPA and IDEM additional exposure pathways  
20       were evaluated as requested. The risk was for additional  
21       air exposure from dust inhalation. Ah the additional risk  
22       evaluation indicated no additional risk for residential

1 reuse. The Final Decision Document was issued with  
2 concurrence from the regulators finding the property  
3 suitable for residential use. Ah should be noted that IDEM  
4 defers all risk issues to EPA but they do comment on them.  
5 But when it comes to risk they defer their risks to EPA's  
6 risk assessors. On the residual soil sampling we did two  
7 (2) different locations. Ah we had a client that wanted a  
8 piece of property that didn't come to bear but we collected  
9 samples in this area. All in all we collected twenty-one  
10 (21) soil samples from areas that had UXOs blown in place.  
11 Ah we collected probably forty (40) percent of the areas  
12 that were blown in place. There was not a whole lot of  
13 munitions found in the Airport. They were concentrated in  
14 two (2) locations. Ah soil samples were analyzed for TAL  
15 metals and explosives. Laboratory data indicated that all  
16 metals were below - below background levels or below Region  
17 9 levels. Laboratory data results for explosives indicated  
18 that all samples were non-detect with the exception of one  
19 (1) constituent within one (1) of the samples. Ah the level  
20 of 1,3,5 TNT was below Region 9's screening levels and was  
21 most likely a laboratory contaminate. It was determined -  
22 it was determined that perforated and cleared UXO posed no

1 environmental risk. And that is it. Questions?

2

3 **MS. DIANE HENSHEL:**

4 I'm ready. Tell me about the PCV data.

5

6 **MR. BROOKS EVENS:**

7 No PCV data.

8

9 **MS. DIANE HENSHEL:**

10 Even on the blown in place stuff?

11

12 **MR. BROOKS EVENS:**

13 Pardon?

14

15 **MS. DIANE HENSHEL:**

16 Even on the blown in place stuff?

17

18 **MR. BROOKS EVENS:**

19 Right. We didn't analyze PCV data on blown  
20 in place stuff.

21

22 **MS. DIANE HENSHEL:**

23

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1                   Is there - how much of the laboratory data  
2                   was considered ineligible for use, whether laboratory  
3                   problems with or data?  
4

5                   **MR. BROOKS EVENS:**

6                   On the Phase One (1) data?  
7

8                   **MS. DIANE HENSHEL:**

9                   Oh I know there was a lot on Phase One (1).  
10

11                  **MR. BROOKS EVENS:**

12                  Or during - there's a lot on Phase One (1).  
13

14                  **MR. PAUL CLOUD:**

15                  Are you referring to --  
16

17                  **MR. BROOKS EVENS:**

18                  To the UXO?  
19

20                  **MR. PAUL CLOUD:**

21                  -- the residual soil sampling?  
22  
23  
24



1                   **MS. DIANE HENSHEL:**  
2                               Yeah confirmatory sampling.  
3  
4  
5                   **MR. BROOKS EVENS:**  
6                               It was all acceptable.  
7  
8                   **MS. DIANE HENSHEL:**  
9                               Everything was acceptable this time?  
10  
11                  **MR. BROOKS EVENS:**  
12                               Yeah.  
13  
14                  **MS. DIANE HENSHEL:**  
15                               Complete with all - I'm sorry Brooks. Ah so  
16                   there was no - there wasn't any of this ah laboratory  
17                   contamination question? Then why is it there as a  
18                   laboratory contamination question?  
19  
20                  **MR. BROOKS EVENS:**  
21                               They didn't check - they didn't check method  
22                   blanks on it. But as far as recovery levels --  
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**MS. DIANE HENSHEL:**

I don't understand how you can say they're all acceptable but then turn around and say that there's potential laboratory contamination.

**MR. BROOKS EVENS:**

On one (1) constituent. It was a one (1) hit and we didn't really check it. It was like this - this doesn't pose a risk to anybody so we're not - we weren't going to spend a whole lot of time trying to fend one (1) constituent on one (1) key level.

**MS. DIANE HENSHEL:**

So it just gets blown off as a laboratory contaminate?

**MR. BROOKS EVENS:**

Yeah.

**MS. DIANE HENSHEL:**

Without justification? Without re-sampling?

1       Without re-evaluation in the laboratory?

2

3                   **MR. BROOKS EVENS:**

4                               Well all the other - all the other  
5       constituents, there's like thirteen (13) constituents in  
6       Method 8330. They all came back non-detect. Based on all  
7       our other samples that came back non-detect it's like this  
8       is a fluke. Either the instrument was read wrong but the -  
9       the data that we qualified with was recovery, method spike  
10      recovery and percentage recovery which is - I want to say  
11      it's like a Level Two (2), Level Three (3). It's not like a  
12      Level Four (4) data package where you go back and do a whole  
13      bunch of recalculations on all the calibrations and  
14      everything. But they did all their calibrations first and  
15      it's just there. It's like finding a - a benzene sometimes  
16      or finding pollen in your sample and it's just there and you  
17      write it off as possibly - acetone shows up as a laboratory  
18      contaminate. The level that was there was in like parts per  
19      billion. So it was just like --

20

21                   **MS. DIANE HENSHEL:**

22                               You're talking to a Biologist. When I have

23

24

1       that in the laboratory I go back and I re-sample.

2

3               **MR. BROOKS EVENS:**

4                       Okay.

5

6               **MS. DIANE HENSHEL:**

7                       I don't --

8

9               **MR. BROOKS EVENS:**

10                      We can't reproduce that.

11               **MS. DIANE HENSHEL:**

12                      I don't understand the chemists.

13

14               **MR. BROOKS EVENS:**

15                      We could go back and re-sample that location  
16       and it would probably come up non-detect. I can't reproduce  
17       data like that. By the time we composite the sample, by the  
18       time we take it into the lab and they stick their little ten  
19       mil in the solution, strap it and send it through the system  
20       you - you introduce a lot of variables.

21

22               **MS. DIANE HENSHEL:**

23

24

1                   Right. But if you're not seriously  
2 comfortable with the results then why don't you --

3

4                   **MR. BROOKS EVENS:**

5                   We're comfortable with the results.

6

7                   **MS. DIANE HENSHEL:**

8                   I know. You're a chemist. Why - why --

9

10                  **MR. BROOKS EVENS:**

11                  No I'm not a chemist.

12

13                  **MS. DIANE HENSHEL:**

14                  Well the chemists are comfortable with the  
15 results. Chemists like plus or minus sixty (60) percent  
16 variability and I --

17

18                  **MR. BROOKS EVENS:**

19                  We don't have - we've got guidelines that  
20 warrant that but our chemists wouldn't even accept that.

21

22                  **MS. DIANE HENSHEL:**

23

24

1                   It's in the - it's in the guidelines from  
2   EPA.   It's even up to --

3

4                   **MR. BROOKS EVENS:**

5                   Our guidelines that are coming through are -  
6   they're from EPA that Louisville's chemists are doing.

7

8                   **MS. DIANE HENSHEL:**

9                   And what are their acceptable variance?

10

11                  **MR. BROOKS EVENS:**

12                  He usually varies between thirty (30), plus  
13   or minus thirty (30), sometimes plus or minus fifteen (15).

14

15                  **MS. DIANE HENSHEL:**

16                  All right.   You realize in a laboratory as  
17   far as biological sample goes plus or minus five (5) is  
18   what's barely considered acceptable?   So I've never  
19   understood chemists except in these kind of variabilities.

20

21                  **MR. BROOKS EVENS:**

22                  Okay.

23

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**MS. DIANE HENSHEL:**

And ah my memory from going through the details on them from sticking on the Phase One (1) is that for some chemicals it's plus or minus a hundred (100) percent.

**MR. BROOKS EVENS:**

Yeah. That's why a lot of that got rejected.

**MS. DIANE HENSHEL:**

No. What's considered acceptable according to EPA is plus or minus a hundred (100) percent. And then if it gets rejected it's because it's worse than plus or minus a hundred (100) percent.

**MR. BROOKS EVENS:**

Everything has improved through the - you've got to remember that Phase One (1) data was back in '91, '92.

**MS. DIANE HENSHEL:**

1                               And it was a abysmal.

2

3                   **MR. BROOKS EVENS:**

4                               Huh?

5

6                   **MS. DIANE HENSHEL:**

7                               And it was abysmal.

8

9                   **MR. BROOKS EVENS:**

10                              Yes. It was basically worthless. A lot of  
11 things are worthless. That's why Phase One (1) data is not  
12 generally included in the risk calculations.

13

14                   **MS. DIANE HENSHEL:**

15                              Okay. But that Phase One (1) data was used  
16 to justify what you then do for re-sampling correct?

17

18

19                   **MR. BROOKS EVENS:**

20                              Correct.

21

22                   **MR. PAUL CLOUD:**

23

24



1                   But not for the Unexploded Ordnance soil  
2           sampling residual.

3

4                   **MS. DIANE HENSHEL:**

5                   Hold on Paul. But if in the Phase One (1)  
6           you had major problems with the SBOC's for example.

7

8                   **MR. BROOKS EVENS:**

9                   They went at Site Five (5) and Six (6) Phase  
10          Two (2) sampled for SBOC's. The Phase One (1) data is not  
11          used.

12

13                   **MS. DIANE HENSHEL:**

14                   And they got good PCV data?

15

16                   **MR. BROOKS EVENS:**

17                   They got good data on the Phase Two (2).

18

19                   **MS. DIANE HENSHEL:**

20                   Did they get good PVC data?

21                   **MR. BROOKS EVENS:**

22                   I think they did. I would have to go back.

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**MS. DIANE HENSHEL:**

Then it was non-detect? Because I didn't get the - I didn't get that thing because I never did see that.

**MR. BROOKS EVENS:**

I would have to go back - you're pulling my brain really hard. I will have to go back and look. But I don't think there was any problem with the PCV or the SBOC data from the Phase Two (2). But I will look.

**MS. DIANE HENSHEL:**

Because my discomfort - there's two (2) points of my discomfort for residential here. And one (1) is the fact that throughout the base every single PCV intoxicifine sample were invalid.

**MR. BROOKS EVENS:**

In Phase One (1).

1                   **MS. DIANE HENSHEL:**  
2                               Was invalid. So --  
3  
4                   **MR. BROOKS EVENS:**  
5                               In Phase One (1).  
6  
7                   **MS. DIANE HENSHEL:**  
8                               In every --  
9  
10                  **MR. BROOKS EVENS:**  
11                              In Phase Two (2) --  
12  
13                  **MS. DIANE HENSHEL:**  
14                              Every - I've looked at some of the Phase Two  
15                              (2) and in Phase Two (2) they didn't have any good data  
16                              either. So I'm not convinced.  
17  
18                  **MR. BROOKS EVENS:**  
19                              I can go check on that. I'm not too sure  
20                              you're right on that.  
21  
22                  **MS. DIANE HENSHEL:**  
23  
24

1 Well show me.

2

3 **MR. BROOKS EVENS:**

4 Okay.

5

6 **MR. PAUL CLOUD:**

7 He'll get back to you.

8

9 **MS. DIANE HENSHEL:**

10 I'll be happy to see it I promise.

11

12 **MR. BROOKS EVENS:**

13 I'll get back to you on that.

14

15 **MS. DIANE HENSHEL:**

16 And so - you know until I feel like it's  
17 really been evaluated I'm not comfortable with it.

18

19 **MR. BROOKS EVENS:**

20 We will note it.

21

22 **MS. DIANE HENSHEL:**

23

24

1                   Because you know if I see good data then I  
2           accept it. If I don't see good data then I'm going to ask.  
3           And I'm going to wonder.

4

5                   **MR. BROOKS EVENS:**

6                   Okay.

7

8                   **MS. DIANE HENSHEL:**

9                   And the other is you're still considering  
10          the metals on an individual metal basis whether or not it  
11          hits the - it takes the cut on an individual metal basis  
12          even though you know that some of the metals probably are  
13          still close to what's acceptable even though they haven't  
14          hit the line yet? And when you sum across the middle --

15

16                   **MR. BROOKS EVENS:**

17                   Are we talking generally over the whole  
18          site?

19

20                   **MS. DIANE HENSHEL:**

21                   No.

22

23

24

1                   **MR. BROOKS EVENS:**

2                               Or are you talking these sites here?

3

4                   **MS. DIANE HENSHEL:**

5                               Well these sites included. Definitely  
6 include those.

7                   **MR. BROOKS EVENS:**

8                               Well we did the Region 9 screening. They've  
9 been screened.

10

11                   **MS. DIANE HENSHEL:**

12                               Yeah but that --

13

14                   **MR. BROOKS EVENS:**

15                               That - that basically is conservative.  
16 That's very, very conservative.

17

18                   **MS. DIANE HENSHEL:**

19                               Well, but it's still individual. Whereas  
20 the change in - the change in view point on the EPA these  
21 days has been instead of just considering every chemical on  
22 an individual basis you have to consider that some chemicals

23

24

1       act in similar fashions on similar organs.

2

3                   **MR. BROOKS EVENS:**

4                               Okay.

5

6                   **MS. DIANE HENSHEL:**

7                               And should be summed even if they are at sub  
8       threshold levels. That is what EPA keeps saying that  
9       they're trying to encourage right now. And that's been in  
10      the past three (3) years. So why aren't you doing that  
11      before you put this out where families can live here with  
12      young kids who are exceedingly susceptible to the  
13      developmental neurotoxic affects of these metals?

14

15                   **MR. BROOKS EVENS:**

16                               I understand. But that will be coming out.  
17      You will have a chance to review it then.

18

19                   **MR. PAUL CLOUD:**

20                               Also the - not only that but the - the  
21      comment period for the Revised FOST which I will get into in  
22      a minute here on the Airfield.

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**MS. DIANE HENSHEL:**

Right.

**MR. PAUL CLOUD:**

Allows that opportunity. Any comment such as you've just identified, if it is provided we will respond to that either with ah information that is currently on hand or if necessary if we have to go back out and do some additional analysis. But we need to see that specific comment to respond to it. So if - if you feel that that comment is warranted for this particular parcel then please provide it.

**MS. DIANE HENSHEL:**

It is definitely warranted for this parcel.

**MR. BROOKS EVENS:**

I can't talk risks to you. Risk Assessment can talk risk to you and then yeah I'll give - you can talk to her about that. But I can't talk risks to you. All I know is what they're relaying to me and they're saying



1       they're fine.

2

3                   **MS. DIANE HENSHEL:**

4                               I want to see - I just - before I feel  
5       comfortable with saying this is okay for residential I want  
6       to see a lot better evaluation that really considers the  
7       developmental toxicity issues. And as far as the - you know  
8       industrial I'll stop fighting on industrial.

9

10                   **MR. BROOKS EVENS:**

11                               Yeah. And that's a forgiven.

12

13                   **MS. DIANE HENSHEL:**

14                               But I'm not going to - I will fight on the  
15       residential.

16

17                   **MR. BROOKS EVENS:**

18                               Yeah.

19

20                   **MR. PAUL CLOUD:**

21

22                               Any other comments? Questions? Okay thanks

23

24

1 Brooks. Next section ah I would like to talk about are the  
2 Findings of Suitability to Transfer. Have basically three  
3 (3) parcels: the DRMO parcel, the Airfield parcel and the  
4 Northeastern parcel. The DRMO parcel is basically complete  
5 now. The FOST went out for review. It had about five and a  
6 half (5½) acres, one (1) building. Went out for initial  
7 review. We received comments from the State and the EPA.  
8 We revised the FOST, re-issued it, actually received some  
9 additional comments from the State and the EPA and as a  
10 result of that went out and took some additional soil  
11 samples to resolve an EPA comment. We did receive  
12 concurrence from the State and the EPA last year on this  
13 parcel. As I think a lot of people may know but some who  
14 are new to Jefferson may not realize is that we were  
15 actually - the Army was in a position to transfer this small  
16 parcel about a year ago but as an inducement and  
17 encouragement to the Ford Lumber and Building Supply to take  
18 the twelve hundred (1200) acre parcel we conditioned the  
19 transfer of the five and a half (5½) acres on the transfer  
20 of the twelve hundred (1200) acres. That has been done.  
21 Mr. Ford and his company now own that twelve hundred (1200)  
22 acres as you have been previously informed. The next slide  
23

1 here down at the actual bottom shows the last process where  
2 the FOST was approved and Mr. Ford actually signed the Draft  
3 Deed for the Title Transfer September of this year. I was  
4 informed last Friday that the Army Secretariat signed the  
5 Deed for the Army on November 6th. I transferred that  
6 information to the real estate office at the Louisville  
7 Corps of Engineers and also notified Mr. Ford. Would expect  
8 within the next thirty (30) to sixty (60) days there will be  
9 a meeting between the Army, the Corps of Engineers real  
10 estate office and Mr. Ford where he supplies a check for  
11 payment for that small parcel and we provide him a Deed with  
12 the deed restrictions on that parcel. This is an  
13 industrial/commercial parcel. It's my understanding he has  
14 a waiting, really willing buyer so I don't expect it to  
15 remain in his hands for very long. Any questions on this  
16 parcel? (Indicating) This shows you where the parcel is  
17 again. This tends to be cut off a little bit but it's shown  
18 there down at the bottom of this particular slide.

19

20 **MS. DIANE HENSHEL:**

21 Paul does he intend to use this for  
22 residential too?

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**MR. PAUL CLOUD:**

I beg your pardon?

**MS. DIANE HENSHEL:**

This is industrial/commercial right?

**MR. PAUL CLOUD:**

No this is industrial/commercial. It's my understanding that the Indiana Department of Transportation is interested in this as they have purchased the adjoining thirty-seven (37) acres. Whether or not that comes to fruition is between Mr. Ford and INDOT. Okay. The next parcel we've talked about a little bit already, the FOST for the Airfield area. The parcel is about seven hundred and sixty (760) acres, has twenty-one (21) buildings, was originally proposed for commercial/industrial reuse, put out the Draft FOST in August of '99. One (1) of the things we received from Mr. Ford was a request to look at it as a transfer under residential criteria which is - allows more freedom for reuse. The Army looked at that for a number of

1 reasons and it ultimately agreed based on the fact that we  
2 didn't think a significant amount of additional work, either  
3 analysis and/or removal or remediation needed to be done and  
4 it would also reduce down the number of deed restrictions  
5 that might have to be enforced into perpetuity. So for a  
6 number of reasons we agreed with that request, actually did  
7 that work as Brooks discussed, and went through the process  
8 of providing that information and responding to EPA and IDEM  
9 comments. And then we drafted a Revised Document that came  
10 out last month and we have requested comments for the 23rd  
11 of this month, the day after Thanksgiving. And I would  
12 encourage anyone that does have comments on that particular  
13 Finding of Suitability to Transfer please provide them to me  
14 and we will respond with whatever is necessary to address  
15 the issue. This is the parcel in question (indicating).  
16 Again your slide shows the entire thing. The next parcel is  
17 a - is a new parcel. It's on the northeast corner of the  
18 cantonment area. It's approximately four hundred and sixty-  
19 five (465) acres, has thirty-nine (39) buildings. It will  
20 be proposed for unrestricted/residential use. There are no  
21 known environmental sites in this area, no environmental  
22 remediation or contamination. The one (1) driver there is

23  
24

1 we did do a UXO Clearance in one (1) small section of it.  
2 That Clearance has been done. There are no excavation  
3 restrictions for the UXO in that area, however we have not  
4 performed the residual soil sampling and analysis for the  
5 Unexploded Ordnance. We have actually taken the samples but  
6 they haven't been analyzed yet. So pending the receipt of  
7 those analyses and going on the assumption that there is no  
8 additional work right now we're projecting April of next  
9 year to put out that Draft FOST. Ken?

10

11 **MR. KEN KNOUF:**

12 How about any wetlands consideration in that  
13 parcel?

14

15 **MR. PAUL CLOUD:**

16 That is a good question. And I think Brooks  
17 and I will probably have to look at that. But we may have  
18 to evaluate that need for doing a wetlands delineation  
19 there. Lenny?

20

21 **MR. LENNY SIEGEL:**

22 Did you find any UXO there?

23

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**MR. PAUL CLOUD:**

Let me - if you go to the next slide it shows a map of the area. Up here (indicating) along on either side of one (1) of the roads up here we found a number of articles and a couple of - of items underneath the road. So they had to dig in through the asphalt and recover them. There were I think about a hundred (100) items that were found there and that were perforated.

**MR. LENNY SIEGEL:**

And what certainty do you have that you got them all?

**MR. PAUL CLOUD:**

Based on what we found and what was put in the Statement of Clearance. Down to four (4) feet we believe we found everything that might have been there. However, there is standard language that is in any transfer of property and it's similar language for environmental issues. If there is another item found on any place on the

1 facility that is being transferred, the current owner, and  
2 this will run with the land, must allow the Army to come in  
3 and address it. So if for some reason someone is digging or  
4 he just finds another item they notify the Corps of  
5 Engineers and we will have EOD, in this case probably Ft.  
6 Knox, come in and address the issue. But that will run in  
7 perpetuity.

8

9 **MR. LENNY SIEGEL:**

10 So technically this is not unrestricted use?

11

12 **MR. PAUL CLOUD:**

13 It is unrestricted use as far as excavation  
14 is because there's no prohibition, there will be no deed  
15 restriction that runs with the land similar to the hundred  
16 (100) acre parcel south of the housing loop that Mr. Ford  
17 took. There is a formal deed restriction that says you  
18 cannot dig below four (4) feet here. In this parcel, just  
19 like the Airfield, there is no excavation restriction for  
20 UXO but there is standard language that says if you find  
21 anything you must allow us to come in and take care of it.  
22 Similar to Environmental Remediation. You do it to the best

23

24



1 of your ability and you get concurrent but then if you find  
2 something at a later date that is attributed to your  
3 previous activity you still have to allow, in this case the  
4 Army, to come back in and address that issue. Similar  
5 situation. Does that answer your question?  
6

7 **MR. LENNY SIEGEL:**

8 I think so. It strikes me because in  
9 California there's an argument going on about whether they  
10 should ever authorize residential construction on - on  
11 places where UXO has been found.  
12

13 **MR. PAUL CLOUD:**

14 I understand that. The liability for  
15 Unexploded Ordnance, anything that might still remain would  
16 remain with the Army. That is my understanding. So if  
17 there were to be an accident there is always that  
18 opportunity. I'm not saying that there will be and I'm not  
19 encouraging that cavalierly. But the liability still would  
20 rest with the Army regardless of what deed restriction or  
21 lack of restriction might you know be in the Deed. Diane?  
22  
23  
24

1                   **MS. DIANE HENSHEL:**

2                   You have said in the past that a good  
3                   percentage of what was sent - of what was fired and  
4                   therefore what was found in terms of UXO was dead. I mean  
5                   it was just shells.

6

7                   **MR. PAUL CLOUD:**

8                   It was inert.

9                   **MS. DIANE HENSHEL:**

10                  Without any - right. So in this area what  
11                  percentage of the ones that were found were inert? Were any  
12                  live at all? Is there any real risk of there being live  
13                  ones there?

14

15                  **MR. PAUL CLOUD:**

16                  There were some that were suspected or known  
17                  to be live. I don't have the numbers right off the top of  
18                  my head but I can provide that to you.

19

20                  **MS. DIANE HENSHEL:**

21                  Does that give you more pause for  
22                  hesitation?

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**MR. PAUL CLOUD:**

No.

**MS. DIANE HENSHEL:**

Why?

**MR. PAUL CLOUD:**

Why would it? If they were found and they were addressed and we didn't find anything else down to the depth that we were looking for or that they had the ability to go, and that's really one (1) of the crucial issues. Certain types of ordnance when they're utilized in their normal fashion only have the physical capability to go certain depths below the surface. Obviously if you're - if you have a small munition like a sixteen (16) millimeter mortar and it's fired it may only be physically capable, especially in the soils that we have here in this area, of going maybe one (1) or two (2) feet below the surface. Now if you're talking about a one o five (105) or a one fifty-five (155) or something much bigger it might have the capability to go much deeper. But based on what was found

1 and what was there when we cleared it to four (4) feet the  
2 Army feels comfortable in agreeing with the Corps' proposal  
3 that for this area, and it's - and it's specific to this  
4 area, that there is an unrestricted excavation restriction  
5 for UXO.

6

7 **MS. DIANE HENSHEL:**

8 Okay. Two (2) more questions then related  
9 to that. You've also said that the UXO seems to work its  
10 way to the surface especially in areas where, which we have  
11 here obviously, where there's periodic flooding. So I guess  
12 the hypothesis is that the water carries the UXO up over the  
13 lip and then as it recedes it leaves the UXO there. And  
14 then over time the UXO can move to the surface. Would you  
15 therefore think of putting in you know every five (5) years  
16 some sort of surveying to check?

17

18 **MR. PAUL CLOUD:**

19 I don't believe it's necessary here and the  
20 reason why is that the frost heave depth here, specific to  
21 JPG, is about eighteen (18) inches to two (2) feet. So  
22 that's - we're going - we're checking two (2) feet below

23

24

1       that.  Also the - the area specific --

2

3               **MS. DIANE HENSHEL:**

4                       I'm sorry Paul.  Does that mean that you  
5       only expect UXO to migrate in the top eighteen (18) inches  
6       of soil?

7

8               **MR. PAUL CLOUD:**

9                       Anything --

10

11               **MS. DIANE HENSHEL:**

12                       And you don't expect anything really below  
13       that to ever move?

14

15               **MR. PAUL CLOUD:**

16                       Based on frost heave we don't expect  
17       anything to be affected by frost heave that's below the area  
18       that's affected by that condition in this area.  If we had  
19       something that was between that level and the surface that  
20       would have a tendency to be forced to the surface.  If it  
21       was below that it would not be expected that that particular  
22       phenomenon would drive the piece to the surface.

23

24

1

2

**MS. DIANE HENSHEL:**

3

How about the flooding as a phenomena?

4

5

**MR. PAUL CLOUD:**

6

Well flooding is - is a reasonable question.

7

In this area we're not anywhere near even a hundred (100)

8

year flood plain.

9

10

**MS. DIANE HENSHEL:**

11

Whoa.

12

13

**MR. PAUL CLOUD:**

14

Not on the Proving Ground. Not in this

15

area.

16

17

**MS. DIANE HENSHEL:**

18

Richard, you guys who live here?

19

20

**MR. PAUL CLOUD:**

21

I beg your pardon?

22

23

24

1                   **MS. DIANE HENSHEL:**

2                               I'm asking you guys. Is there - is that  
3 true? There's no flooding here, really a phenomenal  
4 flooding?

5

6                   **MR. PAUL CLOUD:**

7                               Not in this portion of the Proving Ground.  
8 If you were talking by you know like Graham Creek up north,  
9 some (1) of the areas up north.

10

11                   **MS. DIANE HENSHEL:**

12                               Okay.

13

14                   **MR. PAUL CLOUD:**

15                               It's a different issue. But those  
16 elevations are also different. In these areas --

17

18

19                   **MS. DIANE HENSHEL:**

20                               You're not seeing it?

21

22                   **MR. PAUL CLOUD:**

23

24

1                   -- that we're talking about they're not  
2 subjected to flood, no.

3

4           **MS. DIANE HENSHEL:**

5                   Okay.

6

7           **MR. BOB HUDSON:**

8                   These were all mortar rounds?

9

10          **MR. PAUL CLOUD:**

11                   Yes they were mortar rounds.

12

13          **MR. KEN KNOUF:**

14                   Paul there may be a sense of curiosity why  
15 there were rounds underneath the road surface and behind the  
16 firing line. You might try to explain a little bit why they  
17 got there in the first place.

18

19          **MR. PAUL CLOUD:**

20                   It's suspected when the - when the road was  
21 built they bulldozed some of the soil from the firing  
22 position into that area. That - that predates me obviously.

23

24



1 I don't know if it predates Mr. Hudson.

2

3 **MR. BOB HUDSON:**

4 Oh yeah it predates me too. It was there  
5 when I got there.

6

7 **MS. DIANE HENSEL:**

8 Did they really do that?

9

10 **MR. LENNY SIEGEL:**

11 Well you know the situation has probably  
12 created where you can't use the penetration depths.

13

14 **MR. PAUL CLOUD:**

15 I beg your pardon?

16

17 **MR. LENNY SIEGEL:**

18 The situation where you've had radiant you  
19 can't assume there's going to be pen - the penetration  
20 depths.

21

22

23

24

1                   **MR. PAUL CLOUD:**

2                               And that's why we did in fact remove the  
3       items below the road even though it was felt that because  
4       the road surface was already there it was basically  
5       providing encapsulation and protection. We decided to  
6       remove them anyway.

7

8                   **MS. DIANE HENSHEL:**

9                               Okay so then one (1) more question. Is  
10       there ah city water out to here? Will there be city water  
11       out to here?

12

13                   **MR. PAUL CLOUD:**

14                               There is city water on the Proving Ground  
15       already.

16

17                   **MS. DIANE HENSHEL:**

18                               So I - but this is undeveloped land right  
19       now. So would it be mandated that there would be city water  
20       out to here or is there a possibility that they would use  
21       wells here at all?

22

23

24

1                   **MR. PAUL CLOUD:**

2                               Using - using wells in this area is a --

3                   **MS. DIANE HENSHEL:**

4                               Dangerous question.

5

6                   **MR. PAUL CLOUD:**

7                               -- at best a theoretical possibility. The  
8                   reality of the situation, and I think that the State,  
9                   although they couldn't endorse it, would be amazed if anyone  
10                  could use a well on the Proving Ground for drinking water  
11                  for a number of reasons. One (1) is recharge rate. Another  
12                  is potability. And just flat out economics and cost. It  
13                  would be ludicrous in my opinion to spend the money to have  
14                  a private well when city water is already here. The  
15                  potability of ground water is - is very poor. The recharge  
16                  rate is exceptionally slow. One (1) of the problems we have  
17                  with a lot of our ground water monitoring wells is the fact  
18                  that we go out and purge them and come back twenty-four (24)  
19                  or forty-eight (48) hours later and we've either not  
20                  received the adequate recharge rate or you know they haven't  
21                  recharged at all.

22

23

24

1                   **MS. DIANE HENSHEL:**

2                                 Right. I remember reading about that.

3

4

5                   **MR. PAUL CLOUD:**

6                                 Yeah. Did that answer your question?

7

8                   **MS. DIANE HENSHEL:**

9                                 Well not entirely. I guess what I still  
10                   want to do is say that in your exchange - in your document  
11                   sort of mandate that they do have city water just to make  
12                   sure that it happens.

13

14                   **MR. PAUL CLOUD:**

15                                 I don't believe that that is within the  
16                   ability of the federal government to make and mandate. And  
17                   there would be no justification. If we have no reason to  
18                   suspect that there is a UXO issue there that there would be  
19                   a need to place that restriction in. You will be free to  
20                   make that comment when the FOST comes out and we will  
21                   respond accordingly.

22

23

24

1                   **MS. DIANE HENSHEL:**

2                               It just make sense to me to put in  
3       precautions.

4

5                   **MR. KEN KNOUF:**

6                               There's a water line that runs up through  
7       there.

8

9                   **MS. DIANE HENSHEL:**

10                              It is? So it wouldn't be a problem?

11

12                   **MR. KEN KNOUF:**

13                              No.

14

15                   **MS. DIANE HENSHEL:**

16                              All right. So then I will be fine.

17

18                   **MR. PAUL CLOUD:**

19                              Any other questions regarding the  
20       northeastern parcel?

21

22                   **MS. DIANE HENSHEL:**

23

24

1                   Because that's really extremely - it amazes  
2   me.

3

4                   **MR. PAUL CLOUD:**

5                   Okay the next area is the status of the  
6   Depleted Uranium License Termination and our points of  
7   contact. Actually the points of contact haven't really  
8   changed although the status of the process has been changed  
9   a little bit. As I think most people know we did in fact  
10   submit the plan to the NRC in June of this year. We mailed  
11   the entire plan, about two hundred (200) pages with the Risk  
12   Assessment and the Institutional Control Plan that was part  
13   of it to the entire mailing list. That was a little over  
14   two hundred (200) people. It's also been on our web site.

15

16                  **MR. RICHARD HILL:**

17                   Paul?

18

19                  **MR. PAUL CLOUD:**

20                   Yes?

21

22                  **MR. RICHARD HILL:**

23

24

1                   Is the web site available yet? The last  
2 time I tried I still couldn't get on.

3

4                   **MR. PAUL CLOUD:**

5                   Tonight no. But they are in fact - and I'll  
6 show you what the new home page is going to look like.

7

8                   **MR. RICHARD HILL:**

9                   Okay.

10

11                   **MR. PAUL CLOUD:**

12                   It is being loaded on the server now. One  
13 (1) of the - I was going to talk about that later but I will  
14 address it now. Subsequent to September 11th all DOD web  
15 sites went through an Operational Security Review for a  
16 number of reasons. That included the JPG web site. We were  
17 about ready to repost the old web site when the new revised  
18 one (1) became available on CD. Instead of going through  
19 that exercise twice I just said let's do the one (1) on the  
20 new revised site because it's going to be you know the one  
21 (1) we're going to be going with so don't bother with the  
22 old one (1). They have in fact completed that review. The

23

24

1       only thing that they wanted us to take off were names and  
2       addresses. So you won't see your name, you won't see my  
3       name and you won't see the EPA's name specifically by name.  
4       And you won't see basically addresses anymore. You will  
5       still see pictures but you won't see names. But that has -  
6       that has been removed. So we expect that either by the end  
7       of this week or next week it will come up on the web and we  
8       will - I will let you know. I will send out an E-mail to  
9       let everyone know who I have E-mail addresses for but we'll  
10      also do a mailing to the entire mailing list to let everyone  
11      know that it's available.

12

13               **MS. DIANE HENSHEL:**

14                       If there's no names how do people know how  
15      to reach, who to reach?

16

17               **MR. PAUL CLOUD:**

18                       Because they still can get us through E-mail  
19      access. There is - there is still --

20

21               **MS. DIANE HENSHEL:**

22                       E-mail contact?

23

24



1  
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24

**MR. PAUL CLOUD:**

Yes. There is an E-mail contact for the State, EPA and myself, Richard.

**MS. DIANE HENSHEL:**

Okay.

**MR. PAUL CLOUD:**

So there's still that. And there are phone numbers. It's just that they want us to take off names and addresses.

**MS. DIANE HENSHEL:**

Okay.

**MR. PAUL CLOUD:**

I can talk to you privately about what I personally think about that but that's policy.

**MS. DIANE HENSHEL:**

1                                   Theoretically safety?

2

3                   **MR. PAUL CLOUD:**

4

5                                   The NRC conducted their Acceptance Review of  
6       the document that we provided the end of June and September  
7       of this year they provided us with comments. I think there  
8       were seven (7) of them. We are currently in the process of  
9       responding to those. We have not come up with a date yet as  
10      to when those responses will be complete. Once they are  
11      complete and they have been submitted they will also be  
12      provided to the public, not only on the web site but by  
13      mailing. So everyone will - will see that. Ah in parallel  
14      with that the NRC has any questions that the Army perform  
15      this Environmental Review that you see down here at the  
16      bottom, the top two (2) bullets are basically on hold until  
17      we respond to their comments for the Acceptance Review.  
18      Once it has gone through their Administrative Acceptance  
19      Review then the NRC will start their "Technical Review".  
20      But they won't do that until we've responded to and they've  
21      accepted our responses to their seven (7) questions. Ah the  
22      Environmental Impact Statement that the NRC is doing that's

23

24

1 under their schedule. I really don't have any information  
2 on that. If you're really interested on that I would  
3 suggest you contact their point of contact who is Dr.  
4 McLaughlin at NRC Headquarters. Ah because of the questions  
5 that the NRC posed to the License Termination Plan and the  
6 over lap between that Plan and the Environmental Report we  
7 had originally anticipated that the Environmental Report  
8 would be submitted to the NRC the end of last month. That  
9 has been placed on hold because we want to make sure that  
10 not only do we fully respond to their comments but that  
11 whatever over lap there are between the two (2) documents  
12 they agree and we have no conflicting information or  
13 statements. So the actual submittal date for the ER has  
14 also been put on hold until we resolve those seven (7)  
15 questions. But we may in fact submit the ER earlier than  
16 the responses to the NRC's question but that has not been  
17 determined yet. We are still working, not only with that  
18 one (1), but with the NRC staff on the specifics of that  
19 issue and as soon as we come up with a date we'll let  
20 everyone know. But again when the ER is submitted to the  
21 NRC it will be posted on the web site and it will be mailed  
22 out to the entire mailing list. We'll have copies at the

23  
24

1 Proving Ground should someone seek to get a hard copy from  
2 us directly. Again as we go through this process because it  
3 is basically a first of its kind as far as I know and what  
4 the NRC has told me there may be additional comments or  
5 questions that we receive from the NRC. That may in fact  
6 and in all likelihood will affect the schedule as to when  
7 the next step commences, when the next step completes, and  
8 so on and so forth. But we'll just work our way through it  
9 and proceed along the process as required. This is the  
10 NRC's point of contact is Dr. Thomas Mclaughlin. He's at  
11 the NRC Headquarters. While his address says Washington,  
12 D.C. he's actually physically located at their headquarters  
13 in Rockville, Maryland. Don't ask me why they have a D.C.  
14 mailing address. That's theirs. This is the Army's point  
15 of contact. This is our Radiation Safety Officer, Joyce  
16 Kuykendall. She's been to our RAB meetings and been out to  
17 the Proving Ground several times. If you have any questions  
18 you can mail them to her. We have a specific E-mail site  
19 set up for that. It's identified on this particular slide.  
20 Also her fax and her phone number. Karen?

21

22 **MS. KAREN MASON-SMITH:**

23

24

1                   Paul can you please explain the difference  
2   between NRC Administrative Acceptance Review versus the  
3   Technical Review?  
4

5                   **MR. PAUL CLOUD:**

6                   As best I can because I'm not that  
7   knowledgeable about it. The Acceptance Review as I  
8   understand it is an administrative exercise that basically  
9   checks to see if Section One (1) requires the licensee to  
10   identify the physical location of those facilities. That's  
11   what Section One (1) does and it's there. And Section Two  
12   (2) requires you to identify the material that's licensed,  
13   if that material and information is there, so on and so  
14   forth as you work through the various sections. What we  
15   found out after we received the NRC's comments is that they  
16   have somewhat modified that process. And I'll get into that  
17   in a minute. After they go through that Acceptance Review  
18   if in fact you provided that information then you get into  
19   the Technical Review. The actual Technical Review as I  
20   understand it goes into the detailed regulatory radiological  
21   exposure specifics and to see if in fact the information is  
22   there answers the question about future potential  
23

24

1 radiological exposure to the most likely individual who  
2 might be exposed, whether it's a resident farmer scenario or  
3 a trespasser or whatever.

4

5 **MS. KAREN MASON-SMITH:**

6 The reason I asked is because as a regulator  
7 I was just wondering it seems to me like the Technical  
8 Reviews would be the best time for regulators to comment.

9

10 **MR. PAUL CLOUD:**

11 Well - and that's what I'm about to get to.  
12 One (1) of the things that we found out after the NRC gave  
13 us those seven (7) questions is they have modified their  
14 process, unknown to us, and now when they do the  
15 Administrative Review they do - I don't know how to really  
16 characterize it. But it's like a preliminary or minimal  
17 Technical Review at the same time so that they have - what  
18 they perceive as potential technical questions when they  
19 would get in the Technical Review that allows them the  
20 opportunity to identify them now before they get into the  
21 formal Technical Review. That was something we didn't  
22 understand because when we looked at some of their questions

23

24

1       it appeared that some of their questions were not purely  
2       administrative in nature. They were more technical in  
3       nature. So I asked Dr. McLaughlin about that. That's when  
4       he explained that they had changed or modified their process  
5       a little bit. If you want more information or specifics I  
6       would encourage you to talk to ah Tom about that.

7

8                   **MS. KAREN MASON-SMITH:**

9                   Okay. Because that's confusing but you  
10          explained it. I can call him.

11

12                  **MR. PAUL CLOUD:**

13                  Okay. Any other questions regarding the DU?  
14          Lenny?

15

16                  **MR. LENNY SIEGEL:**

17                  Yeah. I'm trying to understand the  
18          jurisdiction of the NRC versus the ah regulators for CERCLA.  
19          Does the NRC's jurisdiction here preclude a CIRCLA review  
20          of the clean up of the uranium on the Proving Ground?

21

22                  **MR. PAUL CLOUD:**

23

24

1 I beg your pardon?

2

3 **MR. LENNY SIEGEL:**

4 Does the NRC jurisdiction for  
5 decommissioning preclude or substitute for ah the  
6 Environmental Regulators' Review under CERCLA for the - for  
7 the property?

8

9 **MR. PAUL CLOUD:**

10 Regarding radiological exposure I believe  
11 the answer to that question is yes.

12

13 **MR. LENNY SIEGEL:**

14 How about the fact the heavy metal --

15

16 **MR. PAUL CLOUD:**

17 That's an interesting question and it's come  
18 up at the last couple of RAB meetings. Right now as far as  
19 I know the NRC does not regulate the heavy metal toxicity of  
20 Depleted Uranium. It is unknown and as far as I know, and  
21 Kevin and Karen feel free to speak up, it is unknown whether  
22 the State or the EPA either has a standard or in fact

23

24



1 regulates that particular material. But if they do and they  
2 can identify that to us we will address that issue.

3

4 **MR. LENNY SIEGEL:**

5 Are there any Ecological Assessments planned  
6 of the - the heavy metal toxicity?

7

8 **MR. PAUL CLOUD:**

9 Under the strict License Termination  
10 criteria no. However the NRC is required to do a NEPA  
11 exercise and an EIS and those questions would be fair game  
12 to ask them and they would have to address and respond to  
13 them at that time.

14

15 **MR. LENNY SIEGEL:**

16 If this were left, and not radioactive but  
17 heavy metal, would the Army be required to do an Ecological  
18 Assessment of the impact of the lead on - on species in your  
19 area?

20

21 **MR. PAUL CLOUD:**

22 It would depend. First of all the NRC

23

24

1       wouldn't be regulating it. It would be a separate  
2       regulator.

3

4               **MR. LENNY SIEGEL:**

5                       Okay.

6

7               **MR. PAUL CLOUD:**

8                       So the NRC wouldn't be involved at all. If  
9       it were lead that would be a different story and we would  
10      have to you know address that if in fact we had a license or  
11      a permit or an issue that - or a presence of that nature.  
12      But that would be a separate issue.

13

14               **MR. LENNY SIEGEL:**

15                       One (1) of the reasons --

16

17               **MR. PAUL CLOUD:**

18                       I mean it's a hypothetical and I really  
19      can't respond real good to a hypothetical.

20

21               **MR. LENNY SIEGEL:**

22                       One (1) of the reasons I'm here is I'm

23

24

1 concerned that as you said this is a maker. This is the  
2 first time this sort of thing has happened. And it's  
3 important that they're not - that certain aspects of the  
4 investigation not be over looked because of this new  
5 jurisdictional situation. And for example where I - where I  
6 live at Moffett Field the Navy does an Ecological Assessment  
7 of heavy metals, lead, zinc, all the other contaminants and  
8 the sediment and their impact on the various birds and other  
9 wildlife in the area. Ah that still - as far as I'm  
10 concerned that still needs to be done but - with the DU  
11 whether it's done by the Nuclear Regulatory Commission or  
12 the Army with the regulator over site. Ah there's  
13 contamination there that needs to be addressed. It may turn  
14 out to be very, very low or it may turn out to be dependent  
15 upon future use of the property. But someone's got to make  
16 some sort of a judgment that that toxicity is - needs to or  
17 does not need to be addressed.

18

19 **MR. PAUL CLOUD:**

20 We are aware of that issue. How it will  
21 ultimately be resolved is unclear at this point. There will  
22 be more than ample opportunity for either individuals like

23

24

1       yourself or for Dr. Henshel or the State or the EPA to be  
2       involved in that. It's my understanding that once the NRC  
3       commences their Technical Review, and again specifics on  
4       this I would - I would defer to Dr. Mclaughlin on, but they  
5       have some process by which they contact the State, they  
6       contact the EPA on a coordinating agency basis to address  
7       issues like that. How much they will influence and impact  
8       the ultimate decision is unclear. But there is going to be  
9       ample opportunity. And obviously during their EIS process  
10      they will have - my understanding what they've told me is  
11      they will have multiple public hearings throughout the three  
12      (3) county region that the Proving Ground existed to allow  
13      public input for issues such as that or any other issues.

14               **MR. LENNY SIEGEL:**

15                       One (1) final comment for me.

16

17               **MR. PAUL CLOUD:**

18                       Yes.

19

20               **MR. LENNY SIEGEL:**

21                       And that is as long as I've been following  
22      the Depleted Uranium environmental issue Department of

23

24

1 Defense toxicologists have always asserted that the heavy  
2 metals toxicity is more of a threat to people than the  
3 radiation. I don't know whether that's true. I've heard  
4 people argue the other case but this is what the Department  
5 of Defense has said. So it's important to me that the -  
6 that the remediation, characterization of remediation focus  
7 on that as well as the radiation. And the fact that the NRC  
8 has jurisdiction over radiation you know should not get in  
9 the way of somebody making assessments. I can't say whether  
10 in fact the contamination is at such a level that it needs  
11 to be remediated. Someone has got to ask the question.

12

13 **MR. PAUL CLOUD:**

14 I understand that and I appreciate your  
15 comments. One (1) of the unique things about this is the  
16 fact that we're not proposing or seeking an unrestricted  
17 release of the area. It's a restricted release with  
18 institutional control and there will be basically no access  
19 to the area. Under the License as it currently exists the  
20 Army performs semi-annual monitoring of soil, sediment,  
21 ground water and surface water. Ah we have no indications  
22 based on that analysis since the time the License was

23

24

1 initiated back in 1984 that there is contamination of an  
2 actionable level from DU outside of the DU Impact area.

3

4 **MR. LENNY SIEGEL:**

5 That's why I asked about the Ecological  
6 Assessment. Because I assume there are birds in the area  
7 that might be affected or bats that might be affected. But  
8 - and that's why that might be a higher - might be a trig -  
9 reach a trigger level as opposed to a Human Health Risk  
10 Assessment. Ah also there's - I would think there would be  
11 some concern that this is a buffer zone for the - for the  
12 Air Force's precision bombing range and that potentially  
13 there would be air releases as - if ordnance were to miss  
14 their - miss the target and hit the - hit some DU.

15

16 **MR. PAUL CLOUD:**

17 If I would - I would agree with that and be  
18 more concerned if the Air Guard were using live rounds. But  
19 they are not. They do not use live rounds. They use inert  
20 rounds with spotter charges. And that's it. They have  
21 never used live rounds at the Proving Ground.

22

23

24

1           **MR. LENNY SIEGEL:**

2                   But DU is power four (4).

3

4           **MR. PAUL CLOUD:**

5                   I beg your pardon?

6

7           **MR. LENNY SIEGEL:**

8                   DU is power four (4).

9

10          **MR. PAUL CLOUD:**

11                  I understand that.

12

13          **MR. LENNY SIEGEL:**

14                  If you envelope it it will burn. And

15      release --

16

17          **MR. PAUL CLOUD:**

18                  While that's a theoretical possibility most  
19      of the penetrators that were - that have been fired at  
20      Jefferson, first of all all the penetrators that were fired  
21      at Jefferson were against soft targets.

22

23

24

1                   **MR. LENNY SIEGEL:**

2                               Yeah.

3

4                   **MR. PAUL CLOUD:**

5                               So there was no aerialization and they're  
6           either intact or essentially intact or fragments thereof.  
7           While it's theoretically possible that something, i.e. a  
8           round from the Air Guard or even a round when the Proving  
9           Ground was testing could have struck an existing DU round,  
10          it would be ah highly problematical that it would occur.  
11          And if it did occur it would probably be the one (1) in a  
12          million (1,000,000) or less calculation. It's just - you  
13          know - I'm sure you're familiar with you know the  
14          penetrators.

15

16                   **MR. LENNY SIEGEL:**

17                               Yeah.

18

19                   **MR. PAUL CLOUD:**

20                               They don't exhibit a large surface area to  
21          strike in the first place.

22                   **MR. LENNY SIEGEL:**

23

24



1                   Right. And I'm not saying it's necessarily  
2                   quantitatively a problem but it's - rather than having you say  
3                   gee I think it's less than one (1) in a million (1,000,000)  
4                   someone needs to ask that question, look at the surface  
5                   area, the chances of missing and - and put that conclusion  
6                   on paper.

7

8                   **MR. PAUL CLOUD:**

9                   I appreciate that and I would hope that  
10                  someone makes that comment to the NRC when they do their  
11                  NEPA analysis.

12

13                  **MS. DIANE HENSHEL:**

14                  One (1) other comment. I've seen estimates  
15                  of where the relative concentrations of - of uranium are in  
16                  the DU area. And by some of the mapping there's only -  
17                  there's less than an acre's worth of really highly  
18                  concentrated uranium. If that's true and it could be  
19                  verified by some sort of aerial surveyor or some sort of  
20                  other surveying, wouldn't it be reasonable to pull that out  
21                  and get rid of the highly concentrated uranium?

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**MR. PAUL CLOUD:**

No.

**MS. DIANE HENSHEL:**

Before you let this go?

**MR. PAUL CLOUD:**

I don't believe it is based on the fact that we still have a UXO density in the area that is extraordinarily high. The personnel safety --

**MS. DIANE HENSHEL:**

I'm not talking about a whole - we're only talking about an acre of work so it's not going to be that much work. I mean the UXO people --

**MR. PAUL CLOUD:**

I believe it's greater than an acre. It's - it may be a hundred (100) or two hundred (200) acres. It's not an acre.

1                   **MS. DIANE HENSHEL:**

2                               Okay.

3

4                   **MR. PAUL CLOUD:**

5                               If you're referring to the SEG Study it's  
6                   more in the neighborhood of a hundred (100) to two hundred  
7                   (200) acres. That's where a large amount of the DU is but  
8                   not all of it. Even if we cleared that I don't believe it  
9                   would satisfy the unrestricted ah release criteria. The -  
10                  the significant threat, the immediate significant threat for  
11                  safety for personnel to go off the roads there would not  
12                  warrant in our opinion subjecting or - or placing people in  
13                  that type of risk, particularly since the property is going  
14                  to stay within federal ownership. We've going to have  
15                  restricted access and we have no indication that it's  
16                  migrating anywhere. It seems an unreasonable risk to place  
17                  people in when if one (1) round goes off there is an  
18                  immediate life threatening situation.

19

20                  **MS. DIANE HENSHEL:**

21                               Did you by the way ever find the sources of  
22                  the uranium? Remember you said you would look into that?

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**MR. PAUL CLOUD:**

We have one (1) study that was done and it was - it was actually done on the armor for the tanks. And it's the only one (1) that I'm aware of that goes into that issue as far as trans-uranics. And that's what I think you're referring to. And that will be part of our response to the NR - one (1) of the NRC's questions.

**MS. DIANE HENSHEL:**

But how many different processes did it come from? Do you know?

**MR. PAUL CLOUD:**

No. I don't. But there was also just recently a publication by - I will get this wrong but I will provide it to you in an E-mail.

**MS. DIANE HENSHEL:**

Oh good.

**MR. PAUL CLOUD:**

1                   There was - it was just recently within the  
2                   last week a publication of an - of a study that was done on  
3                   trans-uranics. And I think it was due to the concern over  
4                   in Europe in Bosnia, Herzegovina on this same issue.

5

6                   **MS. DIANE HENSHEL:**

7                   Okay.

8                   **MR. PAUL CLOUD:**

9                   And basically what they found was yes there  
10                  were trace amounts of trans-uranics there but they were on  
11                  the - on the level of parts per billion as in a handful or  
12                  less. And they looked at two (2) things: one (1) the  
13                  toxicity and other the radiological impact of that presence.  
14                  And they found that the radiological significance was less  
15                  than one (1) percent and that there was no measurable  
16                  toxicity increase based on the presence of this minute level  
17                  of trans-uranics.

18

19                  **MR. KEN KNOUF:**

20                  For us laymen what does that mean?

21

22                  **MR. PAUL CLOUD:**

23

24

1                   That means other elements of greater  
2   anatomic weight than Uranium two thirty-eight (238) or  
3   naturally occurring Uranium. These elements are typically  
4   generated in reactors during the processing of generation of  
5   fuel or during the - you know things of that nature. But  
6   they're - they're man made elements. Americium, Plutonium,  
7   those types. Sometimes there're fission products as a  
8   result of reactions that occur within a reactor.

9

10               **MS. DIANE HENSHEL:**

11                   From a tox point of view Ken, one (1) - one  
12   (1) molecule of plutonium is guaranteed lung cancer in your  
13   lungs if you breathe it in. Because it doesn't go anywhere.  
14   It's not going to move. And it's going to have high enough  
15   radiation in that soft tissue that it will sooner or later  
16   mutate a cell that won't be repaired. Okay? So that's what  
17   concerns us.

18

19               **MR. KEN KNOUF:**

20                   Sharon I would help you but I can't spell it  
21   either.

22

23

24

1                   **MS. DIANE HENSHEL:**

2                   In the meantime Paul what was that - that  
3                   was that one (1) - less than one (1) percent business? Is  
4                   that the risk is less than one (1) percent?

5

6                   **MR. PAUL CLOUD:**

7                   I don't recall all the specifics.

8

9                   **MS. DIANE HENSHEL:**

10                  Or is that the concentration of plutonium?

11

12                  **MR. PAUL CLOUD:**

13                  I will send you an E-mail with you know the  
14                  article.

15

16                  **MS. DIANE HENSHEL:**

17                  Because if it's risk then you're still well  
18                  above the EPA's level.

19

20                  **MR. PAUL CLOUD:**

21                  Like I say - all I recall is that study just  
22                  came out and it was based on performing a trans-uranic study

23

24

1       analysis of the presence of an - and the magnitude and it  
2       looked at toxicity and radiological. I would have to send  
3       you that probably next week when I get back to the office  
4       because I don't have it off the top of my head and it's not  
5       on my computer here.

6

7               **MS. DIANE HENSHEL:**

8                       Do you know the author by any chance?

9

10              **MR. PAUL CLOUD:**

11                     No. No I don't. Not off the top of my  
12       head.

13

14              **MS. DIANE HENSHEL:**

15                     Do you know the place, anything?

16

17              **MR. PAUL CLOUD:**

18                     I found it on the web just doing another  
19       search for DU.

20

21              **MS. DIANE HENSHEL:**

22                     Okay. I'll try it again.

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**MR. PAUL CLOUD:**

But like I said next week I'll send it to  
you in E-mail.

**MS. DIANE HENSHEL:**

You - you probably search about every week  
or so.

**MR. JOE ROBB:**

I'll take a copy of that.

**MR. PAUL CLOUD:**

Yeah no problem. I'll send it to Richard  
and Diane and Joe. Any other questions regarding the  
Depleted Uranium? Let me - let me re-emphasize something  
that sometimes becomes a little unclear. The termination of  
our License, the Army's License with the NRC, is not an  
option for us as a License holder because we have ceased  
performing the function that required us to get the License  
from the regulator, the NRC in this case. When the Proving

1 Ground closed we stopped testing the penetrators. Their  
2 regulations specify that any licensee when they stop  
3 performing that function has to go through a License  
4 Termination deconam - decommissioning, whatever you want to  
5 call it process. They have to go through and propose either  
6 a restricted release termination or an unrestricted. In the  
7 area south of the firing line we went through an  
8 unrestricted release. The NRC modified our License and they  
9 released everything south of the firing line that - where we  
10 had DU. Now we didn't do any machining, we didn't do any  
11 testing. We basically had gun tubes and we stored some DU  
12 there. But we went in and cleaned those areas. The NRC  
13 came in and subsequently did a confirmatory survey and  
14 analysis and they modified the License formally. But  
15 anytime a licensee ceases performing the function for which  
16 they were granted the License they have to go through some  
17 type of decommission or License Termination process. So  
18 this is not an option for us. This is not something that we  
19 just are doing because we think it's a good idea. It's a  
20 regulatory requirement and it's required of any licensee.  
21 We're not being singled out as special or unique.

22

23

24

1                   **MS. DIANE HENSHEL:**

2                               Was that regulatory requirement in place in  
3       1982 when it was being --

4

5                   **MR. PAUL CLOUD:**

6                               You would have to ask Dr. McLaughlin. I  
7       don't know.

8

9                   **MS. DIANE HENSHEL:**

10                              You don't know when it started?

11

12                   **MR. PAUL CLOUD:**

13                              I don't know. I would assume that it is --

14

15                   **MS. DIANE HENSHEL:**

16                              -- that were here maybe?

17

18                   **MR. PAUL CLOUD:**

19                              But I don't know.

20

21                   **MS. DIANE HENSHEL:**

22                              I mean things - regulations change over time

23

24

1       that's why I'm asking.

2

3               **MR. BOB HUDSON:**

4                       Paul you could stop the process by giving us  
5       a cannon and we'll start shooting it again.

6

7               **MR. PAUL CLOUD:**

8                       I'd have to open up the Proving Ground and  
9       that was --

10

11               **MR. BOB HUDSON:**

12                       No you wouldn't have to open up but that one  
13       (1) place.

14

15               **MR. PAUL CLOUD:**

16                       That one (1) place.

17

18               **MR. BOB HUDSON:**

19                       Just open up that one (1).

20

21               **MR. PAUL CLOUD:**

22                       I think Fish and Wildlife would probably not

23

24

1       like having the Army shoot Depleted Uranium penetrators on  
2       their National Wildlife Refuge.

3

4               **MR. BOB HUDSON:**

5                       You think it would irritate them?

6

7               **MR. PAUL CLOUD:**

8                       They might have something to say about that.  
9       I think that might fall under incompatible use.

10

11               **MR. BOB HUDSON:**

12                       We could shoot just hard targets and  
13       wouldn't have to worry about that.

14

15               **MR. PAUL CLOUD:**

16                       We don't have a containment facility.  
17       That's a standard now.

18

19               **MR. BOB HUDSON:**

20                       I mean well we can just forget that part.

21

22               **MR. PAUL CLOUD:**

23

24

1 Right. I don't think so.

2

3 MR. BOB HUDSON:

4 You don't think so huh?

5

6 MR. PAUL CLOUD:

7 No.

8

9 MS. DIANE HENSHEL:

10 But you don't have to do the License  
11 Termination. You can do the decommissioning.

12

13 MR. PAUL CLOUD:

14 Well again License Termination/  
15 Decommissioning --

16

17 MS. DIANE HENSHEL:

18 Paul you keep saying different things and  
19 when I --

20

21 MR. PAUL CLOUD:

22 They're basically the same thing but they're

23

24

1       - they are - they're different options to terminate the  
2 License.

3

4

5               **MS. DIANE HENSHEL:**

6                       Right.

7

8               **MR. PAUL CLOUD:**

9                       You can - if you're continuing to perform  
10 the function you have to have a License for that material.

11

12               **MS. DIANE HENSHEL:**

13                       Right but you can do decommissioning or you  
14 can do the License Termination.

15

16               **MR. PAUL CLOUD:**

17                       Well decommissioning implies ah just by the  
18 word that you're going to go remediate. However, you can -  
19 and if you want to use that term we can say decommissioning  
20 but it will be decommissioning with no remediation. It's a  
21 restricted release decommissioning.

22

23

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1                   **MS. DIANE HENSHEL:**

2                   But part of the remediation options are ah  
3                   institutional controls with frequent monitoring. So I don't  
4                   understand how that - you know that strikes me as the best  
5                   option if you're going to not do anything.

6

7                   **MR. PAUL CLOUD:**

8                   If we --

9

10                  **MS. DIANE HENSHEL:**

11                  It strikes me that you've got much better  
12                  over sight when you're continuing to monitor other than  
13                  checking the fence every five (5) years.

14

15                  **MR. PAUL CLOUD:**

16                  Well first of all we're not checking the  
17                  fence every five (5) years. It's checked every week.

18

19                  **MS. DIANE HENSHEL:**

20                  Now.

21

22                  **MR. PAUL CLOUD:**

23

24



1                   And in accordance with the MOU that is in  
2                   effect it will continue. And if the MOU ceases to be in  
3                   effect that responsibility falls back to the Army. If the  
4                   NRC grants the termination of the License.

5

6                   **MS. DIANE HENSHEL:**

7                   Right.

8

9                   **MR. PAUL CLOUD:**

10                  With that institutional control in effect  
11                  then the Army, I don't know if it would happen that we would  
12                  delegate that to the Corps or contractor like the Air Guard  
13                  has done or whatever, it would still be required under that  
14                  frequency regardless as long as that is part of the  
15                  termination of the License.

16

17                  **MS. DIANE HENSHEL:**

18                  Un-huh (yes). And so what do they do about  
19                  the moving of that fence that you just pick up move? You  
20                  know when we walked - when we went through the road you just  
21                  got out of the --

22

23

24

1                   **MR. PAUL CLOUD:**

2                   That is interior to where the fence - the  
3                   fence is on the perimeter of the facility. That is the  
4                   fence that is being maintained to restrict basically someone  
5                   from walking on to the Proving Ground. The barricades that  
6                   you saw that I unlocked.

7

8                   **MS. DIANE HENSHEL:**

9                   Right.

10

11                  **MR. PAUL CLOUD:**

12                  For those individuals who we grant access,  
13                  whether they're hunters or that are Fish and Wildlife, the  
14                  Air Guard or visitors like I escorted you and Richard and  
15                  some of the other people there. They're there to control  
16                  that. And if you recall when you went out there I didn't  
17                  let you out of my sight and I made very sure that you didn't  
18                  wander off.

19

20                  **MS. DIANE HENSHEL:**

21                  But I don't live here either. So I don't  
22                  have --

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**MR. PAUL CLOUD:**

But it makes no difference. If the controls are there and the access is not available then the exposure is non-existent. You have to have the exposure pathway to present a risk. If there's no exposure there's no risk. And we have no documentation and no evidence based on all the analysis that we have done that creates that risk. And that's why we have proposed the particular method. The final decision will rest with the NRC.

**MS. DIANE HENSHEL:**

So of course you put some sort of a - an invisible shield that allows the animals through to do whatever they need to do because it's part of the Natural Wildlife Refuge, but if that stops in the oxidation of the Depleted Uranium that's come to the surface right?

**MR. PAUL CLOUD:**

I'm not sure how that - how that applies to the situation.

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**MS. DIANE HENSHEL:**

Well I mean you can't - you can't - you can stop maybe most people from getting on. You can't stop it from migrating off even if it's at relatively low concentrations of any given time at any given point.

**MR. PAUL CLOUD:**

While it may be an issue that develops at some undefined period in the future we have no indications at any level that would migrate off would pose a Risk Assessment that would warrant additional attention. But that's something that is involved in our you know Risk Assessment that was provided to the NRC. And again if anyone feels that it's not that adequately addressed then they're free to address that issue to the NRC when they do their NEPA exercise and their Technical Review. And we're not the sole arbiter and decider. We will provide the information and make the request. The NRC will make the decision on whether or not we have satisfied their criteria.

Any other comments or questions? General comments or questions? Anything that we need to talk about or anything

1       that we haven't talked about that you would like to talk  
2       about? This is an open forum now for reuse and/or  
3       environmental. I cover both bases so it's kind of one (1)  
4       stop shopping. Lenny?

5

6               **MR. LENNY SIEGEL:**

7                       Okay you mean - the people who are local may  
8       know the answer to this but have you ever looked at doing  
9       any clearance of UXO above the firing line?

10

11               **MR. PAUL CLOUD:**

12                       It has been analyzed. And basically the one  
13       (1) study that was done, we've commonly referred to it as  
14       the Mason and Hanger study. They were the contractors that  
15       did it back in '91. There were three (3) or four (4)  
16       options looked at. The unrestricted option for the entire  
17       fifty-one thousand (51,000) acres identified cost us between  
18       ten (\$10,000,000,000) and fifteen billion dollars  
19       (\$15,000,000,000). And at the level of technology that  
20       existed then and essentially exists now ah you would look at  
21       strip mining the fifty-one thousand (51,000) acres down to -  
22       up to possibly twenty (20) to thirty (30) feet based on the

23

24

1 types and the numbers of munitions that were fired there.  
2 That would totally devastate the area. We do have a  
3 federally endangered species that Fish and Wildlife Service  
4 has identified, the Indiana Bat. I think they would take  
5 great exception if we went in and strip mined that entire  
6 area with a federally endangered species there. Again  
7 you're talking about a massively significant personnel  
8 safety issue just due to the number of what we believe are  
9 live, full of high explosive rounds north of the firing  
10 line, probably in excess of a million (1,000,000) to a  
11 million and a half (1,500,000), not counting the rounds that  
12 we believe have live fuses, detonators or primers, which you  
13 could probably add another three (3,000,000) to five million  
14 (5,000,000) on. All of those would be, if they went off and  
15 you're in the vicinity, could be either significantly  
16 damaging to your body or life threatening. That's the only  
17 study that's ever been done.

18

19 **MR. LENNY SIEGEL:**

20 Have you ever looked at sub-sectors of that  
21 area?

22

23

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1                   **MR. PAUL CLOUD:**

2                               No.   And I say no --

3

4                   **MR. LENNY SIEGEL:**

5                               And the differential in planned reuse in  
6       terms of public, the level of public access, some areas  
7       which are easier to remediate than others, have you ever  
8       analyzed you know sub-sections to see whether some of them  
9       might - where it might be cost effective in terms of public  
10      safety to do additional work?

11

12                   **MR. PAUL CLOUD:**

13                              I understand that.   And - and again the  
14      answer is no.   And the reason why is because the property is  
15      not being transferred.   And until and unless such time  
16      arrives where there is that process by which it can be done  
17      safety, effectively and cost - and cost wise, the property  
18      will remain within the Army.   The Fish and Wildlife Service  
19      has first call on the property should and when the Army  
20      clean it up.   Because they raised their hand during the BRAC  
21      Property Screening Process.   And while they will not take  
22      title right now because of the UXO/DU should at some future

23

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1       date the Army clear or significantly clear that so you have  
2       a more expanded reuse, I feel very certain that they would  
3       raise their hand and say our property, transfer it right  
4       now. But it would still be in federal hands.

5

6               **MR. LENNY SIEGEL:**

7                       Was there ever a finding, a formal finding  
8       of technical attractability?

9

10              **MR. PAUL CLOUD:**

11                       No.

12

13              **MR. LENNY SIEGEL:**

14                       So this is basically in CERCLA limbo?

15

16              **MR. PAUL CLOUD:**

17                       This is a - basically a policy position by  
18       the Army Secretariat and it has been discussed with Congress  
19       and - the local Congress and the community since before my  
20       arrival here.

21

22

23

24



1                   **MS. DIANE HENSHEL:**

2                               And how about now that the Fish and Wildlife  
3       Service has - is doing periodic burnings and you've already  
4       shown us that when you do the periodic burnings you can  
5       actually see the surface munitions.

6

7                   **MR. PAUL CLOUD:**

8                               Un-huh (yes).   When the Army did periodic  
9       burnings --

10

11                   **MS. DIANE HENSHEL:**

12                               Increased the costs significantly to do UXO  
13       at those times.

14

15                   **MR. PAUL CLOUD:**

16                               But see that's only UXO on the surface.

17

18                   **MS. DIANE HENSHEL:**

19                               Well yeah but I mean no matter what you're  
20       going to do you're going to be using your metal detectors.  
21       And so - but what it does do is give you a certain amount of  
22       safety in terms of what's on the surface.   You're not

23

24

1 tripping over roots. You're not tripping over that tall  
2 grass stuff that hides everything. And you can move a  
3 little bit easier around, much more quickly, and it should  
4 be much quicker to remove the UXO and therefore much cheaper  
5 because half of its cost is time in terms of people.

6

7 **MR. PAUL CLOUD:**

8 Actually that's not accurate at all.

9

10 **MS. DIANE HENSHEL:**

11 Why?

12

13 **MR. PAUL CLOUD:**

14 And we learned that lesson when we cleared  
15 the southeastern parcel south of the firing line and we ran  
16 into the mortar test area, about a ten (10) acre area. We  
17 found initially when there were some mortars sticking on the  
18 surface, and there was only a handful that they saw readily,  
19 but we called the Ft. Knox EOD and they came in and they  
20 blew some of the rounds in place. As soon as they blew one  
21 (1) in place they uncovered fifty (50) more. And it went  
22 from fifty (50) to two hundred (200) and so on real quick.

23

24

1       So where do you draw the line once you start that process?  
2       You cannot - the standard policy is that if the EOD people  
3       or the contractors who are EOD qualified cannot certify a  
4       round one hundred (100) percent inert visually they will  
5       perforate it. If the round has explosives in it it will go  
6       off. If it goes off, particularly north of the firing line,  
7       you will run into the exact same situation that we ran into  
8       in the mortar area south of the firing line. You will  
9       uncover that many more. So you're really not making the  
10      situation better. You may in fact be making it much worse.

11

12                   **MS. DIANE HENSHEL:**

13                               Why would that make it worse?

14

15                   **MR. PAUL CLOUD:**

16                               Because now you've either uncovered or  
17      brought to the surface a lot more rounds that were covered  
18      up. And you may actually start --

19

20                   **MS. DIANE HENSHEL:**

21                               Can you define that number at this point  
22      though?

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**MR. PAUL CLOUD:**

That number is exceptionally high. You have to understand there is an estimated million and a half (1,500,000) rounds of fully high explosive rounds north of the firing line. And there's no guarantee that this one (1) is inert and the one (1) right next to it is a full up round so you blow them all.

**MR. BOB HUDSON:**

Paul along that line I talked to some EOD guys, old EOD guys, that at the end I believe they were cleaning more air when they were closing down and closing the Proving Ground I suppose to give them work to do maybe. They sent some guys out into one (1) of the areas north to do the very thing she's suggested. And ah they - they blew up some rounds right on the surface and it exposed a whole lot more and they blew those up, exposed more and more. So after about one (1) week of getting more and more and more explosives they said just call them up and said quit.

**MR. PAUL CLOUD:**

1                   And that's basically the same situation we  
2 ran into south of the firing line although there with the  
3 exception of less than one tenth (1/10) of one (1) percent  
4 they were all inert. And they were small rounds. They were  
5 sixteen (16) and eighty-one (81) millimeter mortars. North  
6 of the firing line we have any conventional ordnance  
7 basically that's been used in the last fifty (50) years by  
8 the Army, mortars, mines, one o five (105), one five five  
9 (155).

10

11                   **MR. BOB HUDSON:**

12                   Well there were three hundred thousand  
13 (300,000) bombs up to two thousand (2,000) pounders dropped  
14 on the north end in World War II.

15

16                   **MR. PAUL CLOUD:**

17                   So I mean there is a lot of stuff out there.

18                   I wish - I really do. I personally really wish there was  
19 an easy or easier answer to this situation but it's not. I  
20 mean sometimes it may appear that you can't chip away at the  
21 issue but it's - if you start that process particularly with  
22 the technology and the ability that currently exists, I

23

24

1       firmly believe that you would create a worse problem than  
2       you would have had that already exists there.

3

4               **MR. LENNY SIEGEL:**

5                       Are the densities of the UXO considered as  
6       great in the periphery as near the center of the range?

7

8               **MR. PAUL CLOUD:**

9                       No not necessarily although that - there is  
10       no accurate data on that. We have data as far as where the  
11       - the various firing lanes were and the fact that certain  
12       areas around the perimeter were intentionally fired in, but  
13       again you have to remember back in World War II area a lot  
14       of accurate records were not kept. So when the Archives  
15       Search Report was done by the Corps they classified anything  
16       north of the firing line, north to south, east to west,  
17       boundary to boundary as having the potential for UXO. They  
18       didn't specify numbers but they said you would have to do a  
19       clearance before any of this was going to be transferred  
20       outside of government hands.

21

22               **MR. LENNY SIEGEL:**

23

24

1                   What I'm driving at is my impression is that  
2     some of the places where there will be the most public  
3     access are the places with the least amount of UXO which if  
4     they had occurred elsewhere they weren't next to this very  
5     densely contaminated area, but if there was another base  
6     they probably would be part of a clearance program? That's  
7     - that's what confuses me. I look at the whole thing and it  
8     looks enormous you know, ten billion dollars  
9     (\$10,000,000,000), strip mining fifty thousand (50,000)  
10    acres, but there's got to be an in between position where  
11    certain areas you do have to write off. But other areas  
12    where people are going to eventually be going - are going to  
13    be going to and aren't that bad somebody should - should  
14    make a more conscious decision that this particular area can  
15    or cannot be cleared.

16

17                   **MR. PAUL CLOUD:**

18                                 Joe?

19

20                   **MR. JOE ROBB:**

21                                 I'm just going to make two (2) comments.

22     Regarding what Diane said about this burning and the

23

24

1 clearance operation we were going to partner with the Air  
2 Force/Air Guard because they're in active range and they  
3 have regulations regarding periodic sweeping of the surface  
4 in regard to the use of that range. It's easier to do that  
5 when you do a burn. We're working with them to do a fire in  
6 the --

7

8 **MS. DIANE HENSHEL:**

9 Right.

10

11 **MR. JOE ROBB:**

12 -- in the two (2) range areas that they  
13 have. There could possibly be some clearance through there.

14

15 **MS. DIANE HENSHEL:**

16 Right.

17

18 **MR. LENNY SIEGEL:**

19 Doesn't the Air Force use robotic vehicle on  
20 the --

21

22 **MR. JOE ROBB:**

23

24



1                               Yeah.

2

3                   **MR. LENNY SIEGEL:**

4                               For range maintenance?

5

6                   **MR. JOE ROBB:**

7                               They have all kinds of --

8

9                   **MR. LENNY SIEGEL:**

10                              They're really pretty far ahead of the  
11   Army's

12

13                   **MR. PAUL CLOUD:**

14                              They're part of DOD.

15

16

17                   **MR. JOE ROBB:**

18                              According to the MOA the - the Air Force and  
19   Air Guard has the capability of doing their own - their own  
20   clearance. Ah Fish and Wildlife Service has the option if  
21   we want to ask for Army expertise ah the Army has agreed to  
22   look to Army Reserve, International Guard, training

23

24

1 exercises to do potential clean up of an area.

2

3 **MR. PAUL CLOUD:**

4 Selected areas north of the firing line.

5

6 **MR. JOE ROBB:**

7 Plus areas that we feel we would like to do

8 additional clean up. And at this point ah --

9

10 **MS. DIANE HENSHEL:**

11 They'll teach you how to - how to get rid of  
12 bombs that way?

13

14 **MR. JOE ROBB:**

15 Sure.

16

17 **MS. DIANE HENSHEL:**

18 That's training exercise. Sounds good.

19 **MR. JOE ROBB:**

20 And Fish and Wildlife sent a letter. The  
21 Army basically requested more information. We had several  
22 areas we wanted to - that we were interested in having

23

24

1 additional clean up.

2

3 **MR. PAUL CLOUD:**

4 And right now they are in the process of  
5 responding to our questions. Once they respond back to us  
6 the agreement under the MOU is that the Army at the  
7 Secretariat level in the Pentagon will actively seek to see  
8 if there is a capability either from the Army Reserve or the  
9 National Guard EOD community to come in on a training  
10 exercise to go clear the areas on a non-emergency basis that  
11 the Fish and Wildlife has identified. But the MOU also  
12 states that should that ability or expertise not be  
13 available that the Fish and Wildlife Service agrees to  
14 withdraw their request.

15

16 **MS. DIANE HENSHEL:**

17 Okay. You guys are talking of the DU area  
18 right?

19

20

21 **MR. PAUL CLOUD:**

22 On a non-emergency -- that's on a non-

23

24

1 emergency basis. On an emergency basis as items come up  
2 that are posing immediate threat, i.e. near or on the roads,  
3 they notify us, we - we coordinate with the Ft. Knox EOD  
4 people and they have come up in the past since the MOU has  
5 been in affect and they have taken care of some items north  
6 of the firing line but they have been you know either on or  
7 very near the road posing an immediate threat.

8

9 **MR. LENNY SIEGEL:**

10 Ah do they always blow in place or do they  
11 ever --

12

13 **MR. PAUL CLOUD:**

14 Ken?

15

16 **MR. KEN KNOUF:**

17 Always blow in place.

18

19 **MR. LENNY SIEGEL:**

20 Okay.

21

22

23

24

1                   **MR. PAUL CLOUD:**

2                   And some of them have gone high orders. And  
3 we're not - we're talking twenty (20) or thirty (30) rounds.  
4       Some of those have gone high orders so that's significant.  
5       Kevin?

6

7                   **MR. KEVIN HERRON:**

8                   What's the status of the test area that's  
9 north of the firing line? Isn't there like eight hundred  
10 (800) acres on the east side there? Isn't there a test area  
11 that has UXO?

12

13                   **MR. PAUL CLOUD:**

14                   Oh you're talking about the UXO technology  
15 demonstration?

16

17                   **MR. KEVIN HERRON:**

18                   Right. What's the status of that area? Is  
19 it going to be continued to be used?

20

21                   **MR. PAUL CLOUD:**

22                   We thought - it was being considered and I

23

24

1 mentioned this to Lenny before the meeting started, it was  
2 being considered as an optional - as one (1) of the optional  
3 sites for this airborne light area raid capability for  
4 further development. Ah there were four (4) bases being  
5 looked at. Jefferson was one (1), Aberdeen Proving Ground  
6 another, Yuma and then Eglin Air Force Base. Ah I talked  
7 with the Army Environmental Center member on the Joint UXO  
8 Coordinating Office and they said they had selected Yuma. I  
9 do not - and there were a number of factors. I think one  
10 (1) of them had - one (1) of the more significant ones had  
11 to do with the fact that there was more installation  
12 infrastructure support available to them. Obviously with a  
13 closed facility we have three (3) member care taker site  
14 staff you don't have a lot of the things that you would find  
15 at a normal operating base. I don't know that for a fact  
16 but that's a suspicion on my part. But that was their  
17 decision. I suspect that as the need for the continued  
18 development of UXO technology goes on from year to year that  
19 Jefferson will be continually considered and incorporated as  
20 necessary for the development of that. I have no guarantees  
21 but I'm told by certain individuals that Congress is  
22 considering additional bills for funding for that area and  
23

1 the development and I would assume Jefferson, since we've  
2 already had five (5) rounds of that at Jefferson, it - there  
3 are some benefits to continuing to use Jefferson. But right  
4 now there's nothing specific.

5 **MR. KEVIN HERRON:**

6 How is Afghanistan going to affect any  
7 activity work being done here if we have to go over there to  
8 clear all the bombs and all the stuff that we've done over  
9 there, how is that going to affect the work that going to be  
10 going on here in the states? Will it as far as resources  
11 used?

12

13 **MR. PAUL CLOUD:**

14 I - I have no idea. I have no idea. I mean  
15 clearly there is a finite authority or expertise out there  
16 EOD wise. If there is an international agreement to clear  
17 something someplace else I don't know what the priority  
18 would be and how that would affect the availability of  
19 expertise. There is a requirement basically that there be  
20 an in-house continental United States ability throughout -  
21 you know the country for EOD. Our nearest one (1) is at  
22 Fort Knox. Now they go I don't know how many different

23

24

1 areas around here but they're - they service us. I don't  
2 think they would allow that ability or capability to be  
3 yanked out for an extended period of time with no ability.  
4

5 **MR. LENNY SIEGEL:**

6 The Department of Defense does not send  
7 people overseas to do humanitarian de-mining. We do support  
8 military operations such as in Bosnia but the U.S. provides  
9 aid to other countries and other entities.  
10

11 **MR. PAUL CLOUD:**

12 To do training.  
13

14 **MR. LENNY SIEGEL:**

15 To do de-mining and ordnance search in  
16 places like that and they've been doing it in Afghanistan.  
17 But it does not involve U.S. EOD personnel.  
18

19 **MR. PAUL CLOUD:**

20 Thanks Lenny. Any other questions? This is  
21 our RAB schedule for next year. Richard and I coordinated  
22 on this a few weeks ago and came up - basically it shows we  
23

24



1       have four (4) meetings next year and they op - you know they  
2       oscillate between Jefferson County, Madison basically and  
3       the other two (2) counties. Every other meeting is in  
4       Madison. That was something that the community members  
5       expressed an interest in and it seems to have worked out  
6       fairly well. This is the next meeting. It will be in  
7       Madison at the Library on February 6th.

8

9                   **MS. DIANE HENSHEL:**

10                               What's the plan or is there a plan or is  
11       there a possibility of coordinating with the NRC a couple of  
12       meetings?

13

14                   **MR. PAUL CLOUD:**

15                               There's a possibility. Whether or not there  
16       is a coordination I feel confident that there will be an  
17       Army presence at any of the NRC meetings. As to when their  
18       meetings are I have no idea and I don't even think they know  
19       right now.

20

21                   **MS. DIANE HENSHEL:**

22                               Would they consider coming in when there's a

23

24

1 pre-planned RAB meeting?

2

3 **MR. PAUL CLOUD:**

4 They have come to previous meetings. I  
5 think they - from my discussions on that question I think  
6 they prefer when they're doing their, either their Technical  
7 Review or their NEPA process to stay exclusive to their  
8 process and not co-mingle.

9

10

11 **MS. DIANE HENSEL:**

12 But it's the same people you're trying to  
13 pull out.

14

15 **MR. PAUL CLOUD:**

16 Well I would - I would suggest you talk to  
17 Dr. McLaughlin and ask him. I mean we've suggested that.  
18 That's basically the response in a nut shell we've gotten.  
19 They basically control their meetings and their scheduling.  
20 You know it would be up to them.

21

22 **MS. DIANE HENSEL:**

23

24

1                   What do you guys think? Do you think it  
2                   would be - we could get more people out if we had the things  
3                   happening on the same - on the same approximate time  
4                   schedule? Let's say you had a RAB meeting for a little bit  
5                   of it and then switch over to NRC or something?

6

7                   **MR. RICHARD HILL:**

8                   Well I could see a problem that let's say  
9                   that if it's an NRC public meeting there probably wouldn't  
10                  be time to have anything else on the agenda other than that  
11                  if it's held in Madison. Here as you can see by the vast  
12                  turn out there might be plenty of time. But I think that  
13                  could be a problem.

14

15                  **MR. PAUL CLOUD:**

16                                 Kevin?

17

18                  **MS. DIANE HENSHEL:**

19                                 Are you likely to get people to come out  
20                  more than once in every six (6) month period?

21

22                  **MR. RICHARD HILL:**

23

24

1 Pardon me?

2

3 **MS. DIANE HENSHEL:**

4 Are you likely to get people to come out  
5 more than every six (6) months?

6

7 **MR. RICHARD HILL:**

8 Ah for some things yeah.

9

10 **MS. DIANE HENSHEL:**

11 Okay.

12

13 **MR. PAUL CLOUD:**

14 It depends on the specifics. I would agree  
15 with Richard. It depends on the specifics that are on the  
16 agenda or the issues that people are interested in. If they  
17 want to - you know depending on how they apply at the time I  
18 would agree. Kevin?

19

20 **MR. KEVIN HERRON:**

21 This is really more toward Richard. Have  
22 you made any discussion with the NRC or written suggestions

23

24

1       that there be more than one (1) meeting, i.e. because you  
2       have people that have different work schedules. If they  
3       have it at one (1) certain time then you're going to  
4       basically leave some people's opportunity to meet out. And  
5       therefore if you would have - maybe have like two (2)  
6       different sessions or something along those lines or request  
7       that or anything? Have you done that?

8

9               **MR. RICHARD HILL:**

10                       We haven't discussed that with them yet.  
11       It's probably too early. It's - it's going to be a while  
12       before they have their public meetings I'm sure. But that  
13       is the kind of thing that I think that we should bring up  
14       with them.

15

16

17               **MR. KEVIN HERRON:**

18                       My understanding is that we're in - we're at  
19       the early stages of a possible four (4) year process. Is  
20       that - do you have any indications that that may be so?

21

22               **MR. RICHARD HILL:**

23

24

1 Ah over all probably so.

2

3 **MR. BOB HUDSON:**

4 Geez.

5

6 **MR. RICHARD HILL:**

7 But they will have some meetings before four  
8 (4) years but I bet it would be a couple of years.

9

10 **MR. PAUL CLOUD:**

11 My understanding is that they will have  
12 multiple meetings. The number and specifics I don't know.  
13 But my understanding is they will have multiple meetings and  
14 a minimum of at least one (1) per county. But you could run  
15 into that situation you've identified. I would expect that  
16 the county community would raise that question and during  
17 the NEPA exercise there is a requirement basically and  
18 generically to have meetings at times that are readily  
19 available to the public. Now if that requires more than one  
20 (1) meeting that is the burden of the agency that is doing  
21 the you know the EIF and that would be the NRC's burden. If  
22 they - if they only had one (1) meeting and that issue

23

24

1       became relevant and significant they would have to respond  
2       to that and they would be you know liable for the  
3       consequences if there was an action filed.  
4

5                   **MR. KEVIN HERRON:**

6                   The reason I say that is under CERCLA we  
7       have the requirement. And from what I'm seeing under the  
8       NEPA is very similar in their processing steps.  
9

10                  **MR. PAUL CLOUD:**

11                  That's my understanding.  
12

13                  **MR. KEVIN HERRON:**

14                  They are very, very similar under CERCLA.  
15       And we found I guess through years of CERCLA that having one  
16       (1) meeting is not very successful. You didn't reach enough  
17       people and you left a lot of people out and it's created a  
18       lot more anger.  
19

20

21

22                  **MR. PAUL CLOUD:**

23                  Right.  
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**MR. KEVIN HERRON:**

What I'm saying is that if this is such a new thing for them to do that it may be suggested to them to go - so that they don't fall into the same early stages of frustration that CERCLA had. Just go ahead and say hey you know CERCLA people had this problem. We know it. You need to come out here and you need to have - go ahead and make sure to plan for alternate meetings. If they need to come out here on consecutive nights and all they have is - I don't know. But you are more attuned with the public and the community so I throw it at you more that you can start discussing that, how that assumption which we discussed within your - within your group and within your outlying members or whatever so that you make sure that the - that the NRC is aware that they may need to really be prepared to come out here and do what you did.

**MR. JOE ROBB:**

I appreciate that.



1                   **MR. PAUL CLOUD:**

2                   And so did I. And they'll actually be aware  
3                   within the next couple of weeks because that's the advantage  
4                   of having a verbatim transcript. They get a copy of it.  
5                   And it's also put in their public document reading room  
6                   also. Ah it gets posted on our web site. So they will see  
7                   this within the next two (2) weeks in writing, hard copy.

8

9                   **MS. DIANE HENSHEL:**

10                  Are they tracking you?

11

12                  **MR. PAUL CLOUD:**

13                  I beg your pardon?

14

15                  **MS. DIANE HENSHEL:**

16                  Are you tracking what happens at the RAB  
17                  meetings right now pretty thoroughly?

18

19                  **MR. PAUL CLOUD:**

20                  Oh yeah. Yeah they get copies of the  
21                  transcripts. They know the schedules. They're on the same  
22                  mailing list.

23

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**MS. DIANE HENSHEL:**

Yeah but are they reading it?

**MR. PAUL CLOUD:**

Oh yeah. Oh yeah.

**MR. RICHARD HILL:**

Yes. The first time I talked to Dr.  
Mclaughlin he mentioned something that was in the minutes so  
I was impressed.

**MR. PAUL CLOUD:**

I would agree with that. They do read - he  
has read it.

**MS. DIANE HENSHEL:**

Okay.

**MR. PAUL CLOUD:**

Okay the last slide I have up here this

1 shows what the home page will be on the new Jefferson web  
2 site. The address has not changed. Hopefully it will be up  
3 within the next week or so and I will let everyone know.  
4 But this is the revised web site. What you can't really see  
5 over here (indicating) is right here this is Depleted  
6 Uranium area. There is a specific section on Depleted  
7 Uranium and it's fairly extensive. Ah we have a lot of  
8 links on the - on the Internet that connect or a part of  
9 that. We also have the License Termination Plan. We will  
10 have the ER and the responses to the NRC's comments when  
11 they're provided also listed there. But this is basically  
12 what it will look like on the home page. And I was hoping  
13 to get it up on the net for this meeting but it didn't quite  
14 work out that way. So I expect within the next week it will  
15 be there and we will let everyone know.

16

17 **MR. BOB HUDSON:**

18 Paul?

19

20 **MR. PAUL CLOUD:**

21 Sir?

22

23

24

1                   **MR. BOB HUDSON:**

2                   That right hand side picture that's what  
3                   it's going to be like after we've strip mined it and put it  
4                   back into total farming condition and just plowing up fifty  
5                   thousand (50,000) acres?

6

7                   **MR. PAUL CLOUD:**

8                   No comment. Anything else? I would like to  
9                   thank everyone for coming. If you haven't signed our  
10                  attendance sheet please do. Take a copy of our slides. And  
11                  that's all I have. We have another meeting in February.  
12                  Richard do you have any closing comments?

13

14                  **MR. RICHARD HILL:**

15                  No I don't have anything else but thank  
16                  everybody for coming.

17

18                  **MR. PAUL CLOUD:**

19                  And that's it. We're adjourned.

20

\* \* \* \* \*

21

CONCLUSION OF HEARING

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**C E R T I F I C A T E**

STATE OF INDIANA            )  
                                  ) SS:  
COUNTY OF JEFFERSON        )

I, Sharon Shields, do hereby certify that I am a Notary Public in and for the County of Jefferson, State of Indiana, duly authorized and qualified to administer oaths; That the foregoing public hearing was taken by me in shorthand and on a tape recorder on November 14, 2001 in the Jennings County Public Library, North Vernon, IN; That this public hearing was taken on behalf of the Jefferson Proving Ground Restoration Advisory Board pursuant to agreement for taking at this time and place; That the testimony of the witnesses was reduced to typewriting by me and contains a complete and accurate transcript of the said testimony.

I further certify that pursuant to stipulation by and between the respective parties, this testimony has been transcribed and submitted to the Jefferson Proving Ground Restoration Advisory Board.

WITNESS my hand and notarial seal this \_\_\_\_ day of  
November, 2001.

Sharon Shields, Notary Public  
Jefferson County, State of Indiana

My Commission Expires: July 2, 2007